

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MATTHEW RALSTON,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
MITCHELL GARABEDIAN, ESQUIRE, et al,	:	
	:	
	:	NO. 2:19-cv-01539
Defendants.	:	

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Exhibit "A"

Matthew Ralston

July 01, 2021

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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

* * *

JOHN DOE, :
Plaintiff, :
- vs - : NO: 2:19-CV-01539
MITCHELL GARABEDIAN, ESQUIRE, :
et al., :
Defendants. :

* * *

Videotape deposition of MATTHEW RALSTON,
taken at the law offices of SWARTZ CAMPBELL, LLC, One
Liberty Place, 1650 Market Street, 38th Floor,
Philadelphia, Pennsylvania, 19103, on Thursday, July 1,
2021, beginning at approximately 10:11 a.m., before
Lisa M. Cooper, Court Reporter.

* * *

U.S. LEGAL SUPPORT
Northeast Processing Center
1818 Market Street, Suite 1400
Philadelphia, Pennsylvania 19103
(877) 479-2484

July 01, 2021

2 to 5

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S :</p> <p>2</p> <p>3 THE BEASLEY FIRM, LLC</p> <p>4 BY: LANE R. JUBB, JR., ESQUIRE</p> <p>5 1125-35 Walnut Street</p> <p>6 Philadelphia, Pennsylvania 19107</p> <p>7 lane.jubb@beasleyfirm.com</p> <p>8 -- Representing the Plaintiff</p> <p>9</p> <p>10 SWARTZ CAMPBELL, LLC</p> <p>11 BY: CANDIDUS K. DOUGHERTY, ESQUIRE</p> <p>12 By: JEFFREY B. MCCARRON (VIA ZOOM)</p> <p>13 One Liberty Place</p> <p>14 1650 Market Street, 38t Floor</p> <p>15 Philadelphia, Pennsylvania 19103</p> <p>16 cdougherty@swartzcampbell.com</p> <p>17 -- Representing the Defendant</p> <p>18 * * *</p> <p>19 VIDEOGRAPHER:</p> <p>20 Ed Caswell, IV</p> <p>21 ALSO PRESENT:</p> <p>22 Mitchell Garabedian (Via Zoom)</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 (It is hereby stipulated by and</p> <p>2 among counsel for the respective parties</p> <p>3 that signing, sealing, certification, and</p> <p>4 filing are waived, and that all objections,</p> <p>5 except as to the form of the question, are</p> <p>6 reserved until the time of trial.)</p> <p>7</p> <p>8 MATTHEW RALSTON,</p> <p>9 after having been first duly sworn, was</p> <p>10 examined and testified as follows:</p> <p>11 * * *</p> <p>12 THE VIDEOGRAPHER: We are now on the</p> <p>13 record. My name is Ed Caswell, IV. I'm your</p> <p>14 videographer retained by U.S. Legal Support.</p> <p>15 This is a video deposition for the United</p> <p>16 States District Court for the Eastern</p> <p>17 District of Pennsylvania. Today's date is</p> <p>18 July 1, 2021. The time is 10:11.</p> <p>19 This deposition is being held at One</p> <p>20 Liberty Place, 38th floor, in Philadelphia,</p> <p>21 in the matter of John Doe versus Mitchell</p> <p>22 Garabedian, Esquire. The deponent is John</p> <p>23 Doe. Counsel, if you want to introduce</p> <p>24 yourselves and who you represent?</p> <p>25 MS. DOUGHERTY: Sure. Candidus</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4</p> <p>5 MATTHEW RALSTON</p> <p>6</p> <p>7 By: Ms. Dougherty 5</p> <p>8</p> <p>9</p> <p>10 * * *</p> <p>11 E X H I B I T S</p> <p>12 NUMBER DESCRIPTION PAGE</p> <p>13 D-15 Letter 47</p> <p>14 D-2 4/23/16 Document 98</p> <p>15 D-1 E-Mails 98</p> <p>16 D-16 Interrogatories 195</p> <p>17 D-4 December 26, 2018 Letter 230</p> <p>18 D-17 Academic Report 329</p> <p>19 D-18 Academic Report 329</p> <p>20 D-19 Academic Report 329</p> <p>21 D-20 Yearbook pages 337</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Dougherty from Swartz Campbell on behalf of</p> <p>2 the defendants.</p> <p>3 MR. JUBB: Good morning. Lane Jubb of</p> <p>4 The Beasley Firm on behalf of plaintiff. And</p> <p>5 no one is appearing on behalf of Mr. Poulos</p> <p>6 today.</p> <p>7 THE VIDEOGRAPHER: The witness will now</p> <p>8 be sworn in.</p> <p>9 * * *</p> <p>10 MATTHEW RALSTON,</p> <p>11 after having been first duly sworn, was</p> <p>12 examined and testified as follows:</p> <p>13 * * *</p> <p>14 THE VIDEOGRAPHER: Proceed.</p> <p>15 * * *</p> <p>16 EXAMINATION</p> <p>17 * * *</p> <p>18 BY MS. DOUGHERTY:</p> <p>19 Q. Can you state your full name, sir?</p> <p>20 A. Matthew, Byer, B-Y-E-R, Ralston,</p> <p>21 R-A-L-S-T-O-N.</p> <p>22 Q. And what is your date of birth?</p> <p>23 A. [REDACTED]</p> <p>24 Q. Where do you live?</p> <p>25 A. 5823 Parkbridge Lane, one word. Dublin,</p>

<p style="text-align: right;">Page 6</p> <p>1 Ohio, 43016.</p> <p>2 Q. How long have you lived at 5823 Parkbridge</p> <p>3 Lane, Dublin, Ohio, 43016?</p> <p>4 A. Five years. Actually, technically, five</p> <p>5 years about today.</p> <p>6 Q. You said to today?</p> <p>7 A. Almost.</p> <p>8 Q. So when -- so you know the date that you</p> <p>9 began living at 5823 Parkbridge Lane?</p> <p>10 A. No. Not specifically. But it's been about</p> <p>11 five years. I converted my driver's license four years</p> <p>12 ago probably.</p> <p>13 Q. Okay. So you have a Ohio driver's license?</p> <p>14 A. I do.</p> <p>15 Q. Do you vote in Ohio?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. Do you live with someone else at 5823</p> <p>18 Parkbridge Lane?</p> <p>19 A. My wife.</p> <p>20 Q. What's your wife's name?</p> <p>21 A. Mary Beth. Two words.</p> <p>22 Q. How long have you been married to Mary Beth?</p> <p>23 A. 39 years.</p> <p>24 Q. Were you married to anyone other than Mary</p> <p>25 Beth?</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Yes.</p> <p>2 Q. How long did you live in residence at The</p> <p>3 Hill School in Pottstown, Pennsylvania?</p> <p>4 A. 17 years.</p> <p>5 Q. So 1992 to 2009?</p> <p>6 A. Yes.</p> <p>7 Q. The whole time you were employed by the --</p> <p>8 let me start again. You were employed by The Hill</p> <p>9 School from 1992 to 2009, is that right?</p> <p>10 A. Yes.</p> <p>11 Q. The whole time you were employed by The Hill</p> <p>12 School from 1992 to 2009 you lived in residence?</p> <p>13 A. Yes.</p> <p>14 Q. Did anyone else live with you in residence at</p> <p>15 The Hill School when you lived in residence between</p> <p>16 1992 to 2009?</p> <p>17 A. My wife. Mary Beth. And for part of that</p> <p>18 time, our children. Two sons.</p> <p>19 Q. What are your sons' names?</p> <p>20 A. Zachary is our oldest. Z-A-C-H-A-R-Y. And</p> <p>21 Kyle.</p> <p>22 Q. Did Zachary attend The Hill School?</p> <p>23 A. He did.</p> <p>24 Q. Did Zachary graduate from The Hill School?</p> <p>25 A. He did.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. No.</p> <p>2 Q. Does anyone else, other than Mary Beth, live</p> <p>3 with you at 5823 Parkbridge Lane?</p> <p>4 A. No.</p> <p>5 Q. Where did you live before you lived at 5823</p> <p>6 Parkbridge Lane?</p> <p>7 A. The Leelanau School. Glen Arbor, Michigan.</p> <p>8 Q. How long -- so you lived in the residence at</p> <p>9 The Leelanau School?</p> <p>10 A. Yes.</p> <p>11 Q. How long did you live in residence at The</p> <p>12 Leelanau School?</p> <p>13 A. Seven years.</p> <p>14 Q. Did anyone else live with you in residence at</p> <p>15 The Leelanau School?</p> <p>16 A. Mary Beth.</p> <p>17 Q. Where did you live before you lived in</p> <p>18 residence at The Leelanau School?</p> <p>19 A. The Hill School. Pottstown, Pennsylvania.</p> <p>20 Q. Just going back to The Leelanau School for a</p> <p>21 minute. So the entire time that you were employed by</p> <p>22 The Leelanau School you lived in residence?</p> <p>23 A. I did.</p> <p>24 Q. You lived in residence at The Hill School in</p> <p>25 Pottstown, Pennsylvania?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. What year did Zachary graduate from The Hill</p> <p>2 School?</p> <p>3 A. 2005.</p> <p>4 Q. Did Kyle attend The Hill School?</p> <p>5 A. He did.</p> <p>6 Q. Did Kyle graduate from Hill School?</p> <p>7 A. Yes. 2007.</p> <p>8 Q. Did you attend The Hill School?</p> <p>9 A. No.</p> <p>10 Q. Do you have any other children, other than</p> <p>11 Zachary and Kyle?</p> <p>12 A. No.</p> <p>13 Q. Do you have any grandchildren?</p> <p>14 A. No.</p> <p>15 Q. Where did you live prior to living in</p> <p>16 residence at The Hill School?</p> <p>17 A. Raleigh, North Carolina.</p> <p>18 Q. How long did you live in Raleigh, North</p> <p>19 Carolina?</p> <p>20 A. A little less than two years.</p> <p>21 Q. So 1990 to 1992?</p> <p>22 A. '92. Yeah.</p> <p>23 Q. Did anyone else live with you in Raleigh,</p> <p>24 North Carolina?</p> <p>25 A. Mary Beth, Zach and Kyle.</p>

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10 to 13

<p style="text-align: right;">Page 10</p> <p>1 Q. Where did you live before you lived in</p> <p>2 Raleigh, North Carolina?</p> <p>3 A. At The Andrews School, Willoughby, Ohio.</p> <p>4 Q. How long did you live at The Andrews School?</p> <p>5 A. Three years.</p> <p>6 Q. So 1987 to 1990?</p> <p>7 A. Yes.</p> <p>8 Q. Did anyone live with you -- let me start</p> <p>9 again. You lived in residence at the -- at The Andrews</p> <p>10 School?</p> <p>11 A. Yes.</p> <p>12 Q. Did anyone live with you in residence at the</p> <p>13 The Andrews School?</p> <p>14 A. Yes.</p> <p>15 Q. Who --</p> <p>16 A. Two years Mary Beth and Zachary. For one</p> <p>17 year Mary Beth, Zachary and Kyle.</p> <p>18 Q. Where did you live before you lived in</p> <p>19 residence at The Andrews School?</p> <p>20 A. Delray Beach, Florida.</p> <p>21 Q. How long did you live in Delray Beach,</p> <p>22 Florida?</p> <p>23 A. 15 months.</p> <p>24 Q. Just going back to Raleigh, North Carolina</p> <p>25 for a moment did you live in a house or a school?</p>	<p style="text-align: right;">Page 12</p> <p>1 Delray Beach, Florida?</p> <p>2 A. For a year of it, Mary Beth. For the last</p> <p>3 few months, Mary Beth and Zachary.</p> <p>4 Q. Where did you live before you lived in Delray</p> <p>5 Beach, Florida?</p> <p>6 A. Columbus, Ohio.</p> <p>7 Q. How long did you live Columbus, Ohio?</p> <p>8 A. An apartment.</p> <p>9 Q. How long did you live in an apartment in</p> <p>10 Columbus, Ohio?</p> <p>11 A. A year and a half.</p> <p>12 Q. So 1984? 1985?</p> <p>13 A. I usually go the other way. Yeah, '80 --</p> <p>14 yes. That would be about right.</p> <p>15 Q. 1984 to '86? Or 1985 to 1986?</p> <p>16 A. Until '86, when we went to Florida.</p> <p>17 Q. You say "we", did Mary Beth live with you in</p> <p>18 Columbus, Ohio?</p> <p>19 A. Yes.</p> <p>20 Q. Where did you live before you lived in</p> <p>21 Columbus, Ohio?</p> <p>22 A. And, I'm sorry, I actually split residences.</p> <p>23 We were still in Columbus from '82 through '86.</p> <p>24 Different place, because I was doing different things.</p> <p>25 So from '82 to '86 we were in Columbus. We were</p>
<p style="text-align: right;">Page 11</p> <p>1 A. We had an apartment.</p> <p>2 Q. You had an apartment.</p> <p>3 MR. JUBB: Excuse me, did you say</p> <p>4 Raleigh or Rawley?</p> <p>5 THE WITNESS: Raleigh.</p> <p>6 MS. DOUGHERTY: Raleigh. Okay. I'm</p> <p>7 sorry. I'm just saying it wrong.</p> <p>8 MR. JUBB: I just figured if you wanted</p> <p>9 the correct town to look. I figured, get the</p> <p>10 names right.</p> <p>11 MS. DOUGHERTY: Sorry. My Philly is</p> <p>12 coming out.</p> <p>13 BY MS. DOUGHERTY:</p> <p>14 Q. Okay. So you lived in an apartment in North</p> <p>15 Carolina?</p> <p>16 A. Yes.</p> <p>17 Q. And Delray Beach, Florida?</p> <p>18 A. Apartment.</p> <p>19 Q. So from 1995, 1996 to 1987 you were in Delray</p> <p>20 Beach, Florida?</p> <p>21 A. 80's. Not 90's.</p> <p>22 Q. Oh, I'm sorry. 1986.</p> <p>23 A. Yes. Spring of '86 to the summer of '80 --</p> <p>24 excuse me. Yes, '87. '86, '87.</p> <p>25 Q. Did anyone live with you in the apartment in</p>	<p style="text-align: right;">Page 13</p> <p>1 married in 1982.</p> <p>2 Q. Okay. So you were in the apartment for a</p> <p>3 year and a half. And then you were in residence for</p> <p>4 the rest of the time you were in Columbus, Ohio?</p> <p>5 A. No. We were in an apartment the whole time.</p> <p>6 They were different -- they were different -- my job</p> <p>7 changed in there. That's why I separated it for you.</p> <p>8 I was doing jobs where we lived. So we were married in</p> <p>9 1982 and lived in Columbus, Ohio until we left in 1986.</p> <p>10 Q. All right. And you had one job in 1982 to</p> <p>11 when?</p> <p>12 A. I did. Yes. So 1980 -- 1, 82, I lived in</p> <p>13 Newark, Ohio. And then we were married. I went -- in</p> <p>14 1984 I went back to graduate school. That's why I left</p> <p>15 the job. That's when we moved. Changed apartments.</p> <p>16 And then -- so that's -- that should be -- have all of</p> <p>17 those gaps filled, I think.</p> <p>18 Q. What did you do from 1982 to 1984?</p> <p>19 A. I taught at a public high school.</p> <p>20 Q. Is that different than the job in Newark,</p> <p>21 Ohio?</p> <p>22 A. No. That is the job.</p> <p>23 Q. Okay. So you were at the job in Newark, Ohio</p> <p>24 from 1980 to 1984?</p> <p>25 A. I was at the job in Newark, Ohio from the</p>

<p style="text-align: right;">Page 14</p> <p>1 spring of 1981 -- sorry, the fall of 1981, until the</p> <p>2 spring -- the summer of 1984. 80 -- yes. '83, maybe.</p> <p>3 I don't know.</p> <p>4 Q. Okay. And you went to graduate school in</p> <p>5 1984?</p> <p>6 A. I did.</p> <p>7 Q. Was that in Columbus, Ohio?</p> <p>8 A. It was.</p> <p>9 Q. And you were in graduate school till 1986?</p> <p>10 A. I did.</p> <p>11 Q. Where did you live before you lived in</p> <p>12 Newark, Ohio?</p> <p>13 A. I lived in South Wales, New York from 1980,</p> <p>14 the fall of 1980 to the spring of 1981. I lived in</p> <p>15 residence at The Gow School.</p> <p>16 Q. Can you spell that?</p> <p>17 A. G-O-W.</p> <p>18 Q. Did anyone else live with you in residence at</p> <p>19 The Gow School?</p> <p>20 A. I had a roommate who was another faculty</p> <p>21 member.</p> <p>22 Q. Where did you live before you lived in</p> <p>23 residence at The Gow School?</p> <p>24 A. Columbus, Ohio.</p> <p>25 Q. How long were you in Columbus, Ohio prior to</p>	<p style="text-align: right;">Page 16</p> <p>1 Mathematics?</p> <p>2 A. 1986.</p> <p>3 Q. Is that your highest level of education?</p> <p>4 A. It is.</p> <p>5 Q. Do you have any professional licenses?</p> <p>6 A. No.</p> <p>7 Q. Do you have a relationship with Lane Jubb</p> <p>8 other than an attorney client relationship?</p> <p>9 A. Yes.</p> <p>10 Q. What is the nature of your relationship with</p> <p>11 Lane Jubb, other than the attorney client relationship?</p> <p>12 A. He's an alumnus of The Hill School.</p> <p>13 Q. You were a teacher at The Hill School from</p> <p>14 1992 to 2009, is that right?</p> <p>15 A. I was.</p> <p>16 Q. Was Mr. Jubb one of your students?</p> <p>17 A. He was.</p> <p>18 Q. What year was Mr. Jubb one of your students</p> <p>19 at The Hill School?</p> <p>20 A. 2005, 2006.</p> <p>21 Q. What course did Mr. Jubb take that you taught</p> <p>22 in 2005 to 2006?</p> <p>23 A. Calculus.</p> <p>24 Q. Any other interactions with Mr. Jubb when he</p> <p>25 was a student at The Hill School while you were</p>
<p style="text-align: right;">Page 15</p> <p>1 living in residence in The Gow School?</p> <p>2 A. Fall of 1975 through the spring of 1980.</p> <p>3 Q. Were you working in Columbus, Ohio between</p> <p>4 1975 to 1980?</p> <p>5 A. Just student jobs. I was in college.</p> <p>6 Q. Where did you attend college?</p> <p>7 A. Ohio State.</p> <p>8 Q. Did you obtain a degree from Ohio State?</p> <p>9 A. I did.</p> <p>10 Q. What degree did you obtain from Ohio State?</p> <p>11 A. It was Elementary Education with a minor in</p> <p>12 high school general science.</p> <p>13 Q. What year did you obtain -- was that a</p> <p>14 Bachelor?</p> <p>15 A. It was. 1980.</p> <p>16 Q. And you said you went to graduate school.</p> <p>17 Where did you go to graduate school?</p> <p>18 A. Ohio State.</p> <p>19 Q. Did you obtain a graduate degree from Ohio</p> <p>20 State?</p> <p>21 A. I did.</p> <p>22 Q. What graduate degree did you obtain from Ohio</p> <p>23 State?</p> <p>24 A. Master of Arts, Mathematics.</p> <p>25 Q. What year did you obtain the Master of Arts,</p>	<p style="text-align: right;">Page 17</p> <p>1 teaching at The Hill School?</p> <p>2 A. He played on a lacrosse team for which I was</p> <p>3 one of the coaches.</p> <p>4 Q. Any other contact between you and Mr. Jubb</p> <p>5 while Mr. Jubb was a student at The Hill School when</p> <p>6 you were a teacher at The Hill School?</p> <p>7 A. Absolutely. And it's an in residence school,</p> <p>8 so I would have seen him about campus.</p> <p>9 Q. Were you Mr. Jubb's dorm parent?</p> <p>10 A. No.</p> <p>11 Q. Were you Mr. Jubb's table head?</p> <p>12 A. Not that I recall. But I could have been.</p> <p>13 Q. Was Mr. Jubb a classmate of your sons?</p> <p>14 A. No.</p> <p>15 Q. Mr. Jubb attended The Hill School at the same</p> <p>16 time your sons attended The Hill School, is that right?</p> <p>17 A. He did. Yep</p> <p>18 Q. Is Mr. Jubb friends with your sons?</p> <p>19 A. No. Not that I recall.</p> <p>20 Q. Any other classes that you taught that Mr.</p> <p>21 Jubb -- let me start again. Are there any other</p> <p>22 classes that you taught to Mr. Jubb while Mr. Jubb was</p> <p>23 a student at The Hill School and you were a teacher at</p> <p>24 The Hill School?</p> <p>25 A. No.</p>

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18 to 21

<p style="text-align: right;">Page 18</p> <p>1 Q. Did you coach the lacrosse team?</p> <p>2 A. I did.</p> <p>3 Q. So you were Mr. Jubb's coach while --</p> <p>4 A. Yes.</p> <p>5 Q. -- he played on the lacrosse team while a</p> <p>6 student at The Hill School?</p> <p>7 A. Yes.</p> <p>8 Q. Did you coach any other sports that Mr. Jubb</p> <p>9 participated in while he was a student at The Hill</p> <p>10 School?</p> <p>11 A. No.</p> <p>12 Q. Did you have any other contact with Mr. Jubb</p> <p>13 when he was a student at The Hill School, other than</p> <p>14 teaching the calculus class he took, coaching him in</p> <p>15 lacrosse, and seeing him around campus?</p> <p>16 A. No.</p> <p>17 Q. Do you know what year Mr. Jubb -- well, let</p> <p>18 me start -- let me start again. Do you know what year</p> <p>19 Mr. Jubb graduated The Hill School?</p> <p>20 A. Yes.</p> <p>21 Q. What year did Mr. Jubb graduate The Hill</p> <p>22 School?</p> <p>23 A. 2006.</p> <p>24 Q. Have you kept in contact with Mr. Jubb since</p> <p>25 he graduated The Hill School, independent of your</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Did you have a title?</p> <p>2 A. Yes.</p> <p>3 Q. I'm sorry. I wasn't trying to interrupt you.</p> <p>4 A. No, that's fine. Capital Giving Officer.</p> <p>5 Q. And if I ever do that again, please just let</p> <p>6 me know. Because I'm looking down so we can move</p> <p>7 quickly. I'm not trying to interrupt you on purpose.</p> <p>8 A. Thank you.</p> <p>9 Q. Okay. So when did you begin working at Hill</p> <p>10 School again in 2016?</p> <p>11 A. July.</p> <p>12 Q. Okay. So July 2016 you became the capital --</p> <p>13 a capital --</p> <p>14 A. Capital giving officer.</p> <p>15 Q. -- giving officer?</p> <p>16 A. Yes, ma'am.</p> <p>17 Q. With the Development Office of The Hill</p> <p>18 School?</p> <p>19 A. Yes.</p> <p>20 Q. Were you the only capital giving officer in</p> <p>21 the development office at The Hill School?</p> <p>22 A. No.</p> <p>23 Q. How many other capital giving officers were</p> <p>24 there in July of 2016?</p> <p>25 A. Four, I believe. Five. I'm sorry.</p>
<p style="text-align: right;">Page 19</p> <p>1 attorney client relationship?</p> <p>2 A. Not between 2006 and 2016. With the possible</p> <p>3 exception, and I can't tell you that I remember that,</p> <p>4 could have been a class reunion in 2011. But I don't</p> <p>5 think I was in attendance.</p> <p>6 Q. Okay. So you don't remember any contact</p> <p>7 with --</p> <p>8 A. No.</p> <p>9 Q. -- Mr. Jubb between --</p> <p>10 A. No.</p> <p>11 Q. -- his graduation in 2016?</p> <p>12 A. No.</p> <p>13 Q. What prompted your contact with Mr. Jubb in</p> <p>14 2016?</p> <p>15 A. I went back to work at The Hill School in</p> <p>16 July of 2016. I was on campus for class reunions in</p> <p>17 June of 2016. And Mary Beth and I ran into Lane at</p> <p>18 that event.</p> <p>19 Q. You said you went back to work at The Hill</p> <p>20 School in 2016, is that right?</p> <p>21 A. Correct.</p> <p>22 Q. What was your position when you went back to</p> <p>23 The Hill School in 2016?</p> <p>24 A. I went back to work in the Development</p> <p>25 Office.</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Four or five in addition to you?</p> <p>2 A. Yes.</p> <p>3 Q. So a total of six?</p> <p>4 A. Yes.</p> <p>5 Q. Did the capital giving officers have</p> <p>6 different areas in the United States that they were</p> <p>7 assigned to?</p> <p>8 A. Yes.</p> <p>9 Q. What area of the United States were you</p> <p>10 assigned to?</p> <p>11 A. I was assigned to the Midwest. And then --</p> <p>12 yeah.</p> <p>13 Q. So in July of 2016 you were assigned to the</p> <p>14 Midwest?</p> <p>15 A. Yes.</p> <p>16 Q. Did that change?</p> <p>17 A. It did not change, per se, regionally. It</p> <p>18 changed -- I was the person assigned to some alumni</p> <p>19 that I knew well that lived throughout the Country.</p> <p>20 Q. Are you still a capital giving officer at The</p> <p>21 Hill School?</p> <p>22 A. I am not.</p> <p>23 Q. When did you stop working as the capital</p> <p>24 giving officer at The Hill School?</p> <p>25 A. October 14th, 2019.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. I forget what you called it, but I think</p> <p>2 there was some kind of event that you and your wife ran</p> <p>3 into Mr. Jubb at 2016?</p> <p>4 A. Yes. Class reunions.</p> <p>5 Q. Then after the class reunion did you keep in</p> <p>6 contact with Mr. Jubb?</p> <p>7 A. Yes.</p> <p>8 Q. Did you keep in contact with Mr. Jubb after</p> <p>9 the class reunion in connection with your job</p> <p>10 responsibilities as a capital giving officer?</p> <p>11 A. I did.</p> <p>12 Q. Did you work on any projects with Mr. Jubb in</p> <p>13 -- well, let me start again. What were your job</p> <p>14 responsibilities as a capital giving officer?</p> <p>15 A. They were to engage alumni, solicit</p> <p>16 involvement with the school, as well as financial</p> <p>17 gifts.</p> <p>18 Q. So you were a fundraiser?</p> <p>19 A. Yes. As well as engagement, certainly. Yes.</p> <p>20 Q. What do you mean by engagement?</p> <p>21 A. Bringing alumni back to campus for events</p> <p>22 where they interact with students. Career days is a</p> <p>23 good example. Or to organize regional events for</p> <p>24 alumni.</p> <p>25 Q. With the objective of raising money for the</p>	<p style="text-align: right;">Page 24</p> <p>1 coaching any sports?</p> <p>2 A. No.</p> <p>3 Q. So your contact with the students of The Hill</p> <p>4 School, after you returned July of 2016, was</p> <p>5 incidental? You bumped into students in the dining</p> <p>6 hall --</p> <p>7 A. Yeah.</p> <p>8 Q. -- is that a fair characterization? How many</p> <p>9 times were you on campus after you returned to The Hill</p> <p>10 School in July of 2016?</p> <p>11 A. Several times a year. Some events. Class</p> <p>12 reunions, I would always be present. Career days. And</p> <p>13 then I would visit campus periodically just so I was up</p> <p>14 to speed on what was going on on campus. As I</p> <p>15 traveled, meeting with alumni.</p> <p>16 Q. I think you mentioned that you worked</p> <p>17 remotely. Was there like a set number of times you</p> <p>18 needed to visit the school as part of your job</p> <p>19 requirements? Or was it fluent? How did that work?</p> <p>20 A. They were what I would call command</p> <p>21 performances. Like alumni weekends I was expected to</p> <p>22 be present. Career days I would be present, because</p> <p>23 some of the alumni there were folks I recruited to</p> <p>24 join. If I had a major donor who was visiting campus,</p> <p>25 I would be present for that. And then others, just</p>
<p style="text-align: right;">Page 23</p> <p>1 school, right?</p> <p>2 A. Where appropriate, yes.</p> <p>3 Q. What do you mean where appropriate?</p> <p>4 A. Some alumni are not yet in a position to</p> <p>5 financially support the school. But they are in a</p> <p>6 position to stay informed and be involved in other</p> <p>7 ways. Whether that's hosting an event or meeting with</p> <p>8 prospective students.</p> <p>9 Q. So when you returned to The Hill School in</p> <p>10 Just 2016, you were not teaching, is that correct?</p> <p>11 A. That is correct.</p> <p>12 Q. Did you have any interaction with students at</p> <p>13 The Hill School after you returned to The Hill School</p> <p>14 in July 2016?</p> <p>15 A. Limited, but yes.</p> <p>16 Q. Okay. What limited contact did you have with</p> <p>17 students when you returned to The Hill School in July</p> <p>18 2016?</p> <p>19 A. When I -- I worked remotely. When I was on</p> <p>20 campus I would attend meals in the dining hall. And if</p> <p>21 there were alumni activities on campus when students</p> <p>22 were there, I would be present for those.</p> <p>23 Q. So your job responsibilities, when you</p> <p>24 returned to The Hill School in July of 2016 didn't</p> <p>25 include leading any events or teaching any classes or</p>	<p style="text-align: right;">Page 25</p> <p>1 when it seemed like a good time. Whether it was major</p> <p>2 athletic competition with a rival, or something else</p> <p>3 going on on campus.</p> <p>4 Q. How many times were you on The Hill School</p> <p>5 campus from July 2016 to December 31, 2016?</p> <p>6 A. July 2016 to December 2016?</p> <p>7 Q. Yeah. Roughly the first six months of your</p> <p>8 return to The Hill School.</p> <p>9 A. Wow. I don't know. I would have been</p> <p>10 present some in the early month or two of my job, just</p> <p>11 for some orientation and to meet with other giving</p> <p>12 officers to -- as orientation. I probably would have</p> <p>13 been there in November. Second week of November. It's</p> <p>14 a big rivalry week. And I don't recall if that was on</p> <p>15 Hills campus or if it was on the rival school's campus.</p> <p>16 But I would have been back to that in all likelihood.</p> <p>17 And that's probably it.</p> <p>18 Q. You said that was the early month of two of</p> <p>19 your job. You mean like a day or two? Or an entire</p> <p>20 month?</p> <p>21 A. No. It would have been -- and I can't tell</p> <p>22 you when, but it would have been a matter of days. And</p> <p>23 there could have been a couple times. I don't remember</p> <p>24 specifically.</p> <p>25 Q. So from July 2016 to December 2016 you were</p>

<p style="text-align: right;">Page 26</p> <p>1 on The Hill School campus a handful of times?</p> <p>2 A. Sure. Yes. I'm sorry.</p> <p>3 Q. How about in 2017, how many times were you on</p> <p>4 The Hill School campus during 2017?</p> <p>5 A. Let's see. It would -- it would be very</p> <p>6 similar. I would have been there for a reunion. Which</p> <p>7 is always in June. I don't recall what visits I did in</p> <p>8 the spring, but six months without being there would</p> <p>9 have been unusual. I would have been back again for</p> <p>10 the rivalry weekend in June.</p> <p>11 Q. You mean November?</p> <p>12 A. I'm sorry, yes. Yes. November.</p> <p>13 Q. That's how you know I'm paying attention.</p> <p>14 A. Yes. That was a quiz.</p> <p>15 Q. Okay. So a handful of times on The Hill</p> <p>16 School campus during 2017?</p> <p>17 A. Yes.</p> <p>18 Q. How about 2018, the same, handful of times?</p> <p>19 A. Same. I know 2018 there was a career day I</p> <p>20 was present in April. And then beyond that, it would</p> <p>21 have been very similar. June. Probably. Maybe start</p> <p>22 of school. But certainly the rivalry weekend in</p> <p>23 November.</p> <p>24 Q. And how about 2019 until the end of your</p> <p>25 employment on October 14th, 2019?</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Part of -- part of it. It was less than a</p> <p>2 month in total. But it overlapped January into</p> <p>3 February. I can't give you specific dates.</p> <p>4 Q. You said it was less than a month total? Was</p> <p>5 it a continuous --</p> <p>6 A. It was.</p> <p>7 Q. -- period of time?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Why were you in residence in January,</p> <p>10 February of 2019 for -- let me start again. Do you</p> <p>11 remember how long you were in residence in January,</p> <p>12 February of 2019?</p> <p>13 A. It was -- it was three or four weeks.</p> <p>14 Q. Three or four weeks.</p> <p>15 A. Probably closer to four.</p> <p>16 Q. So why were you in residence in January,</p> <p>17 February of --</p> <p>18 A. So I could --</p> <p>19 Q. -- 2019?</p> <p>20 A. I'm sorry. I was -- I was a resident so that</p> <p>21 I could do some alumni visits with other donors. Both</p> <p>22 so that I was visiting or present while they were doing</p> <p>23 alumni visits, donor visits, as well as to facilitate</p> <p>24 some introductions to other alumni. People who</p> <p>25 maintain those regions. Mostly New York.</p>
<p style="text-align: right;">Page 27</p> <p>1 A. I was on campus in residence for a number of</p> <p>2 weeks in January and February. I was -- I worked that</p> <p>3 out. Again just to have more presence on campus in the</p> <p>4 capacity of my job.</p> <p>5 Q. Okay. So we talked a little bit about your</p> <p>6 appearance on campus in 2016. Where did you stay? Did</p> <p>7 you stay on campus? Or did you stay in a hotel?</p> <p>8 A. I stayed with a faculty member on campus who</p> <p>9 has a house.</p> <p>10 Q. So you didn't have like a designated --</p> <p>11 A. No.</p> <p>12 Q. -- living space at The Hill School from when</p> <p>13 you returned in July 2016 --</p> <p>14 A. No.</p> <p>15 Q. -- until the end of your employment in</p> <p>16 October of 2019?</p> <p>17 A. I had friends who had rooms in their homes.</p> <p>18 So we -- I always stayed there.</p> <p>19 Q. So each time you visited The Hill School you</p> <p>20 stayed with a faculty member, friend on campus?</p> <p>21 A. With the exception of January 2019. Just</p> <p>22 because that was a longer stretch of time, I asked for</p> <p>23 my own space.</p> <p>24 Q. I think you said you were in residence</p> <p>25 January and February of 2019, is that right?</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Is it a fair characterization that you only</p> <p>2 had incidental contact with the students of The Hill</p> <p>3 School?</p> <p>4 A. Correct.</p> <p>5 Q. So similar to what you described before in</p> <p>6 the dining room?</p> <p>7 A. Yes.</p> <p>8 Q. Or passing students on campus?</p> <p>9 A. And visiting classes.</p> <p>10 Q. Did something change with your job that</p> <p>11 required you to be in residence as compared to working</p> <p>12 remotely?</p> <p>13 A. No. We just -- we knew there were alumni in</p> <p>14 the East -- along the East Coast whom I could introduce</p> <p>15 other officers to. It gave me an opportunity to be on</p> <p>16 campus again with a little more continuity than</p> <p>17 previous visits. And it also gave me an opportunity to</p> <p>18 go on donor calls with other giving officers. A little</p> <p>19 deeper entrenchment in the flow of our office.</p> <p>20 Q. So did you decide to go in residence? Or was</p> <p>21 that something that your supervisor suggested that you</p> <p>22 do?</p> <p>23 A. It was mutually agreed to. I don't recall</p> <p>24 which of us initiated it. And we were both very</p> <p>25 agreeable to it. I would be surprised if I didn't</p>

<p style="text-align: right;">Page 30</p> <p>1 initiate it, but I can't tell you for sure.</p> <p>2 Q. Who was your supervisor in 2019?</p> <p>3 A. Geoffrey Neese, with G. Neese is N-E-E-S-E.</p> <p>4 Q. Was Geoffrey Neese your supervisor from July</p> <p>5 2016 until October 2016?</p> <p>6 A. He was.</p> <p>7 Q. What was Geoffrey -- let me start again.</p> <p>8 What is Geoffrey Neese's position with The Hill School?</p> <p>9 A. I believe his title was director of capital</p> <p>10 giving.</p> <p>11 Q. And at least at the time when you were at The</p> <p>12 Hill School, to whom did Geoffrey Neese report to?</p> <p>13 A. He reported to Christian Sockel, S-O-C-K-E-L.</p> <p>14 Q. What was -- Christian is a man?</p> <p>15 A. Yes.</p> <p>16 Q. What was Mr. Sockel's title when you were at</p> <p>17 The Hill School?</p> <p>18 A. Assistant headmaster. I think alumni</p> <p>19 development.</p> <p>20 Q. Okay. And Mr. Sockel reported to the</p> <p>21 headmaster, is that right?</p> <p>22 A. He did.</p> <p>23 Q. Who was the headmaster from July 2016 to our</p> <p>24 departure October 2019?</p> <p>25 A. Zach Lehman.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Sure.</p> <p>2 Q. So other than the -- you and the -- well, let</p> <p>3 me start again. I think you decided that there was</p> <p>4 actually five other capital giving officers other than</p> <p>5 you? Or were you --</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So there was six capital giving</p> <p>8 officers in the development office for a period of time</p> <p>9 after you returned to The Hill School in 2016, is that</p> <p>10 right?</p> <p>11 A. Yes.</p> <p>12 Q. Were there any other individuals who worked</p> <p>13 in the development office when you returned to The Hill</p> <p>14 School in 2016?</p> <p>15 A. Yes.</p> <p>16 Q. Who?</p> <p>17 A. Wow. Virginia Yinger. Do you want the</p> <p>18 capital giving officers? Or what -- sorry.</p> <p>19 Q. Let's start -- let's do it this way. So</p> <p>20 there were the capital giving officers. And were there</p> <p>21 other positions that reported to Geoffrey Neese?</p> <p>22 A. I'm sorry?</p> <p>23 Q. So there were capital giving officers, right?</p> <p>24 A. Yes.</p> <p>25 Q. Were there other positions that also reported</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. Okay. So the reporting structure, when you</p> <p>2 returned to The Hill School in 2016, was Mr. Lehman is</p> <p>3 the headmaster. Mr. Sockel is the assistant</p> <p>4 headmaster. And Mr. Neese. And then you and the four</p> <p>5 or five other capital giving --</p> <p>6 A. Yes.</p> <p>7 Q. -- giving officers --</p> <p>8 A. Yes.</p> <p>9 Q. -- is that right?</p> <p>10 A. Correct.</p> <p>11 MR. JUBB: You're doing fine, I just</p> <p>12 want to make sure you let her get her</p> <p>13 question out all the way. Because Caddie</p> <p>14 does a great job of asking long concise</p> <p>15 questions.</p> <p>16 THE WITNESS: Okay.</p> <p>17 MR. JUBB: She's getting the dates in</p> <p>18 there, just -- you want to make sure you're</p> <p>19 waiting until the end, that's all.</p> <p>20 MS. DOUGHERTY: Sometimes I'm slow too.</p> <p>21 MR. JUBB: So am I. She'll tell you.</p> <p>22 BY MS. DOUGHERTY:</p> <p>23 Q. I know that you're not purposely trying to</p> <p>24 interrupt me, but, yes, it would be good so we have a</p> <p>25 clean record.</p>	<p style="text-align: right;">Page 33</p> <p>1 to Geoffrey Neese, who is the --</p> <p>2 A. I don't believe so, no.</p> <p>3 Q. So there were -- so under Geoffrey Neese</p> <p>4 there were only capital giving officers, is that right?</p> <p>5 A. Yeah. There would have -- so an</p> <p>6 administrative assistant. One for the office. So I'm</p> <p>7 not sure who she technically reports to.</p> <p>8 Q. Oh, I get it. So the development office had</p> <p>9 an administrative assistant and then six capital giving</p> <p>10 officers, is that right?</p> <p>11 A. Yes.</p> <p>12 Q. Did the administrative assistant perform work</p> <p>13 for everyone in the development office?</p> <p>14 A. Yes.</p> <p>15 Q. Did the administrative assistant also perform</p> <p>16 work for the assistant headmaster or the headmaster?</p> <p>17 A. I believe so, yes.</p> <p>18 Q. Who was the administrative assistant during</p> <p>19 the time when you returned to The Hill School in 2016</p> <p>20 to 2019?</p> <p>21 A. I'm not remembering her name right now. It</p> <p>22 may come to me.</p> <p>23 Q. It was a woman?</p> <p>24 A. Her picture is clear as day.</p> <p>25 Q. So the administrative -- just so I have it</p>

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<p style="text-align: right;">Page 34</p> <p>1 right in my head, the administrative assistant was a</p> <p>2 woman who -- who provided assistance to the capital</p> <p>3 giving officers, which included you, Mr. Neese, Mr.</p> <p>4 Sockel and Mr. Lehman, is that right?</p> <p>5 A. Not --</p> <p>6 Q. At least at the time that you were there.</p> <p>7 A. Not to Mr. Lehman.</p> <p>8 Q. Not to Mr. Lehman? I'm sorry. I'm saying it</p> <p>9 wrong. So did -- Mr. Lehman had his own administrative</p> <p>10 assistant?</p> <p>11 A. Yes.</p> <p>12 Q. Who was the -- who was Mr. Lehman's</p> <p>13 administrative assistance when you returned to The Hill</p> <p>14 School --</p> <p>15 A. I don't recall.</p> <p>16 Q. -- in 2018 to 2019?</p> <p>17 A. I don't recall her name.</p> <p>18 Q. So Mr. Lehman had his own dedicated</p> <p>19 administrative assistant, is that right?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Okay. So the admin -- administrative</p> <p>22 assistant that you had in mind that worked for the</p> <p>23 development office, she only performed assistance for</p> <p>24 Geoffrey Neese, Mr. Sockel, you, and the other five</p> <p>25 capital giving officers, is that right?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Did Mr. Neese perform evaluations of your</p> <p>2 work?</p> <p>3 A. He did.</p> <p>4 Q. How often did Mr. Neese perform evaluations</p> <p>5 of your work?</p> <p>6 A. Annually.</p> <p>7 Q. Are these written evaluations?</p> <p>8 A. Yes.</p> <p>9 Q. Was there a specific time of the year when</p> <p>10 the annual evaluations were performed?</p> <p>11 A. If I recall correctly, it would have been in</p> <p>12 the summer months. I think it would have been prior to</p> <p>13 the end of the fiscal year, so that we could set goals</p> <p>14 for the ensuing year.</p> <p>15 Q. So sometime before --</p> <p>16 A. Sometime before --</p> <p>17 Q. -- June 30.</p> <p>18 A. -- June 30.</p> <p>19 Q. So in the June 2018 evaluation by Mr. Neese</p> <p>20 -- let me start again. How did the evaluations work?</p> <p>21 Did you fill it out and then give it to Mr. Neese and</p> <p>22 he fill it out? Or how does that work?</p> <p>23 A. Yes. And then we would meet afterward.</p> <p>24 Q. Okay. So you would express your opinions in</p> <p>25 a forum about --</p>
<p style="text-align: right;">Page 35</p> <p>1 A. No. She provided service to the other people</p> <p>2 that reported to Christian.</p> <p>3 Q. Please give me the titles of the positions</p> <p>4 that reported to Mr. Sockel.</p> <p>5 A. It would have -- Overarching would have been,</p> <p>6 I believe, alumni relations. Annual fund. And I don't</p> <p>7 know the title, but would have been the people who</p> <p>8 produced the alumni magazine. Publications.</p> <p>9 Q. Did the alumni magazine have a name?</p> <p>10 A. Yes.</p> <p>11 Q. What was that?</p> <p>12 A. Hill Ties. T-I-E-S.</p> <p>13 Q. Okay. What's The Dial?</p> <p>14 A. The Dial is the school yearbook.</p> <p>15 Q. Any other publications the school publishes,</p> <p>16 other than The Dial and the Hill Ties?</p> <p>17 A. Student Wiser would be a literature magazine.</p> <p>18 Student newspaper. Alumni, not that I know of.</p> <p>19 Q. Okay.</p> <p>20 A. In hard copy. I mean, they maintain Twitter</p> <p>21 accounts, and...</p> <p>22 Q. So Mr. Neese supervised your work when you</p> <p>23 returned to The Hill School from 2019 to 2000 -- I'm</p> <p>24 sorry, from 2016 to 2019?</p> <p>25 A. He did.</p>	<p style="text-align: right;">Page 37</p> <p>1 A. Yes.</p> <p>2 Q. -- sort of self reviewing you work, right?</p> <p>3 A. Yes. There would be a self evaluation.</p> <p>4 There would be a supervisor evaluation. And then we</p> <p>5 would meet together.</p> <p>6 Q. So did Mr. Neese suggest, in the June 2018</p> <p>7 evaluation, that you come in residence for a period of</p> <p>8 time?</p> <p>9 A. I don't recall.</p> <p>10 Q. Well, how did it come about that you ended up</p> <p>11 in residence in 2000 -- early 2019?</p> <p>12 A. I don't recall.</p> <p>13 Q. I think you said it was mutually agreed to,</p> <p>14 or you may have suggested it. Why did you --</p> <p>15 A. I very well could have, yes.</p> <p>16 Q. Well, why do you say that?</p> <p>17 A. Because it's a place I called home for 17</p> <p>18 years. And the rhythm of the days, and the changes in</p> <p>19 the school since the time I left were valuable to me</p> <p>20 when I was visiting with alumni.</p> <p>21 Q. Did you have any difficulty performing your</p> <p>22 job remotely?</p> <p>23 A. I'm sorry?</p> <p>24 Q. Were you having difficulty performing your</p> <p>25 job remotely?</p>

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<p style="text-align: right;">Page 38</p> <p>1 A. No.</p> <p>2 Q. So poor job performance is not the reason</p> <p>3 why --</p> <p>4 A. No.</p> <p>5 Q. -- you were in residence in --</p> <p>6 A. Not at all.</p> <p>7 Q. -- early 2019?</p> <p>8 A. I'm sorry to interrupt. That's the first</p> <p>9 time I caught myself. No. Not at all. The reason I</p> <p>10 can't tell you specifically is that one of the other</p> <p>11 purposes or things I engaged in while I was there was</p> <p>12 my introduction of other alumni to other donors on the</p> <p>13 East Coast.</p> <p>14 Q. Did you interact with the other capital</p> <p>15 giving officers in the development office when you</p> <p>16 returned to The Hill School from 2016 to 2019?</p> <p>17 A. I did.</p> <p>18 Q. You were giving me, I think, a list of the</p> <p>19 capital giving officers. We had Virginia Yinger,</p> <p>20 right?</p> <p>21 A. She was not a giving officer.</p> <p>22 Q. She was not. Okay. Who was -- what was</p> <p>23 Virginia Yinger's role?</p> <p>24 A. She had a number. One of them was internal</p> <p>25 operations of the school. I mean not the school. The</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes.</p> <p>2 Q. Anyone else part of the alumni and</p> <p>3 development office, other than the alumni relations,</p> <p>4 annual fund, alumni magazine, the administrative</p> <p>5 assistant, the capital giving officers?</p> <p>6 A. Duty wise, and I don't know to whom -- they</p> <p>7 -- they were part of the office events and things. I'm</p> <p>8 guessing that's alumni relations. But any events that</p> <p>9 were planned on campus that involved alumni were --</p> <p>10 came out of that office at the time as well.</p> <p>11 Q. All right. Who were the capital giving</p> <p>12 officers when you returned to The Hill School from 2016</p> <p>13 to 2019?</p> <p>14 A. A woman named Emily Mimms. Bill Randall.</p> <p>15 Dave Freeman. John Spurlock. And then Geoff.</p> <p>16 Q. What region did Emily Mills handle?</p> <p>17 A. I'm sorry, what region?</p> <p>18 Q. Yes. Or let's do it this way. Were the</p> <p>19 capital giving officers divided by geographic locations</p> <p>20 in the United States?</p> <p>21 A. Yes.</p> <p>22 Q. You were in the Mid --</p> <p>23 A. Yes. Generally, yes.</p> <p>24 Q. You were the Midwest, right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 39</p> <p>1 a -- just the office. And then also oversaw the annual</p> <p>2 fund.</p> <p>3 Q. Was Virginia Yinger part of the development</p> <p>4 office?</p> <p>5 A. She was. Part of the alumni -- alumni</p> <p>6 development office. I think the school had gone away</p> <p>7 from the word development at that point.</p> <p>8 Q. What was the -- I thought you told me that</p> <p>9 you worked in the development office. Was it called</p> <p>10 something else?</p> <p>11 A. I did. I think I said it was alumni and</p> <p>12 development.</p> <p>13 Q. Okay. So the full name of the department you</p> <p>14 worked in was Alumni and Development Office?</p> <p>15 A. Yes.</p> <p>16 Q. The Alumni and Development Office included</p> <p>17 capital giving officers, the administrative assistant,</p> <p>18 Ms. Yinger. And who else?</p> <p>19 A. It included the -- the giving officers. It</p> <p>20 included a director of alumni relations. I think we</p> <p>21 went through those. The people that report to</p> <p>22 Christian Sockel.</p> <p>23 Q. Oh, okay. So alumni relations, the annual</p> <p>24 fund, the alumni magazine, that was all part of the</p> <p>25 alumni development office?</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. What geographic location did Emily Mimms</p> <p>2 cover?</p> <p>3 A. Part of the Northeast. I can't tell you</p> <p>4 specifically the States.</p> <p>5 Q. How about Mr. Randall?</p> <p>6 A. Some of the -- what I would consider kind of</p> <p>7 the northeastern, southern States. Carolinas. And up.</p> <p>8 And then parts of Pennsylvania, West Virginia. The</p> <p>9 region -- the region -- regions are created by alumni</p> <p>10 density.</p> <p>11 Q. Okay. How about Mr. Freeman?</p> <p>12 A. I think northeast.</p> <p>13 Q. Mr. Spurlack? Spurlock?</p> <p>14 A. South.</p> <p>15 Q. And did Mr. Neese have a geographic location?</p> <p>16 Or was he just in charge?</p> <p>17 A. He did. I can't tell you specifically,</p> <p>18 although he and Christian did all international</p> <p>19 fundraising. And they probably had the more</p> <p>20 established longer term major donors.</p> <p>21 Q. I saw your hesitation when we were talking</p> <p>22 about geographic location. Is it the case that the</p> <p>23 individual capital giving officers focus their</p> <p>24 attention to geographic locations, but if a donor or</p> <p>25 alumni came about that was outside of your geographic</p>

<p style="text-align: right;">Page 42</p> <p>1 location and you had a relationship that you'd handle</p> <p>2 it? It wasn't like you had to -- to hand off your work</p> <p>3 to someone else? Or your donor to someone else, right?</p> <p>4 A. I -- I think it depended on the relationship</p> <p>5 between the donor. If -- if -- and the officer. If a</p> <p>6 donor moved, the officer may follow.</p> <p>7 Q. Did you interact with the other capital</p> <p>8 giving officers during the time when you worked at The</p> <p>9 Hill School from 2016 and 2019?</p> <p>10 A. Yes.</p> <p>11 Q. How did you interact with the other capital</p> <p>12 giving officers when you returned to The Hill School in</p> <p>13 2016?</p> <p>14 A. Collegially. I had -- I was in a position,</p> <p>15 because of my tenure, to introduce them to alumni in</p> <p>16 their regions. I was helpful, I believe, with</p> <p>17 background info -- yeah, just experience the student</p> <p>18 had. Or the alumnus had.</p> <p>19 Q. So your contact was over the phone or e-mail,</p> <p>20 is that right?</p> <p>21 A. Except when I was on campus, yes.</p> <p>22 Q. So other than a handful of times each year,</p> <p>23 your contact with the other capital giving officers was</p> <p>24 over telephone and e-mail, is that right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Was High Swartz ever your attorney?</p> <p>2 A. No.</p> <p>3 Q. So any time you interacted with Mr. Rees, or</p> <p>4 anyone affiliated with High Swartz, it was in Mr. Rees,</p> <p>5 or the attorney with High Swartz's capacity as an</p> <p>6 attorney for the school, not for you, is that correct?</p> <p>7 A. Correct.</p> <p>8 Q. So you received a letter on October 14th,</p> <p>9 2019?</p> <p>10 A. No.</p> <p>11 Q. When did you receive the letter terminating</p> <p>12 your employment?</p> <p>13 A. It would have been before that. It would</p> <p>14 have included a Terms of Separation Agreement, with a</p> <p>15 note that would have -- that -- part of the letter was</p> <p>16 regardless of whether I returned the separation</p> <p>17 agreement or not, the 14th was my last day of</p> <p>18 employment.</p> <p>19 Q. So do you still have this letter?</p> <p>20 A. I believe that letter went to my attorney.</p> <p>21 Q. You mean Mr. Jubb, or someone else?</p> <p>22 A. Mr. Jubb.</p> <p>23 MS. DOUGHERTY: Is there a reason why</p> <p>24 that letter hasn't been produced, Mr. Jubb?</p> <p>25 MR. JUBB: No. Other than if I have it</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Why did you stop working at The Hill School</p> <p>2 on October 14th, 2019?</p> <p>3 A. Because of a letter that was received in</p> <p>4 April '18 accusing me of molesting a student.</p> <p>5 Q. Did you resign?</p> <p>6 A. I did not.</p> <p>7 Q. Were you terminated?</p> <p>8 A. I was.</p> <p>9 Q. Who terminated your employment?</p> <p>10 A. Zach Lehman.</p> <p>11 Q. How did Zach Lehman terminate your</p> <p>12 employment?</p> <p>13 A. Through a letter.</p> <p>14 Q. Did you still have that letter?</p> <p>15 A. Probably. Actually, the letter would have</p> <p>16 come from the school's attorney. The final.</p> <p>17 Q. Who's the school's attorney that you have in</p> <p>18 mind?</p> <p>19 A. Beg your pardon?</p> <p>20 Q. Who's the school's attorney?</p> <p>21 A. Tom Rees.</p> <p>22 Q. From High Swartz?</p> <p>23 A. Yes.</p> <p>24 Q. Was Mr. Rees ever your attorney?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 45</p> <p>1 I'll give it right over to you.</p> <p>2 THE WITNESS: I think -- yeah.</p> <p>3 MR. JUBB: Can we pause for one second?</p> <p>4 MS. DOUGHERTY: Sure.</p> <p>5 THE VIDEOGRAPHER: Going off record.</p> <p>6 Time is 11:09.</p> <p>7 * * *</p> <p>8 (Whereupon, a discussion off the record</p> <p>9 was held.)</p> <p>10 * * *</p> <p>11 THE VIDEOGRAPHER: Back on. 11:10.</p> <p>12 BY MS. DOUGHERTY:</p> <p>13 Q. When did you receive the letter?</p> <p>14 A. I don't know the date. I know the final date</p> <p>15 of employment status was October 14th.</p> <p>16 Q. Did you receive the letter after you</p> <p>17 commenced this action that you're testifying about</p> <p>18 today?</p> <p>19 A. Yes.</p> <p>20 Q. Did you receive the letter close in time to</p> <p>21 the final separation date of October 14th, 2019?</p> <p>22 A. Close in time?</p> <p>23 Q. Yeah. Were you given two weeks, or a month,</p> <p>24 or?</p> <p>25 A. The letter that said my final day was the</p>

<p style="text-align: right;">Page 46</p> <p>1 14th was within a couple weeks. I can't tell you the</p> <p>2 exact date I got it. But it was a couple weeks, at the</p> <p>3 most.</p> <p>4 Q. So end of September 2019, perhaps beginning</p> <p>5 of October 2019, is that fair?</p> <p>6 A. That's fair.</p> <p>7 Q. And you are confident that you gave the</p> <p>8 letter to your lawyer, Mr. Jubb?</p> <p>9 A. I'm pretty sure the letter went from Tom Rees</p> <p>10 to Mr. Jubb.</p> <p>11 Q. How did you get the letter?</p> <p>12 A. Lane would have shared it with me.</p> <p>13 Q. When did you get the letter from Mr. Jubb?</p> <p>14 A. In all likelihood, the same day I received --</p> <p>15 he received it.</p> <p>16 Q. How did you receive the letter from Mr. Jubb?</p> <p>17 A. I believe it would have been e-mail.</p> <p>18 Q. What did the letter say?</p> <p>19 A. It responded to modifications to a separation</p> <p>20 agreement the school had provided saying, no, here's</p> <p>21 what they would offer. And then saying regardless of</p> <p>22 whether or not I returned it, my final day of</p> <p>23 employment would be October 14th.</p> <p>24 MS. DOUGHERTY: Can we mark this D-15?</p> <p>25 * * *</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Yes. And if it's not the 21st, it is</p> <p>2 whatever Friday that would have been.</p> <p>3 Q. So pretty close in time to --</p> <p>4 A. Yes.</p> <p>5 Q. -- when the letter was sent, is that right?</p> <p>6 A. Within two weeks, yes.</p> <p>7 Q. Who provided you the April 11th, 2018 letter</p> <p>8 that I've marked as D-5? D-15, excuse me.</p> <p>9 A. Mr. Lehman.</p> <p>10 Q. What were the circumstances under which Mr.</p> <p>11 Lehman provided you the April 11th, 2018 letter that</p> <p>12 I've marked as D-15?</p> <p>13 A. Whenever I was on campus I would stop in and</p> <p>14 -- his office and say hello. And I stopped in that day</p> <p>15 and he asked me if I had stopped by about the letter.</p> <p>16 Which I had not seen. And at that point he pulled me</p> <p>17 into his office and told me it existed and then shared</p> <p>18 it with me later.</p> <p>19 Q. So Mr. --</p> <p>20 A. Later that day.</p> <p>21 Q. Okay. So you went to Mr. Lehman's office,</p> <p>22 poked your head in to say hi and then he invited you</p> <p>23 into his office to talk about the letter?</p> <p>24 A. Yes.</p> <p>25 Q. What did Mr. Lehman say to you when he</p>
<p style="text-align: right;">Page 47</p> <p>1 (Whereupon, the above-mentioned document</p> <p>2 was marked for identification as D-15.)</p> <p>3 * * *</p> <p>4 MS. DOUGHERTY: For the benefit of those</p> <p>5 watching via Zoom, it's my document 26.</p> <p>6 We're going to mark it as D-15.</p> <p>7 BY MS. DOUGHERTY:</p> <p>8 Q. I'm showing you a document that I had marked</p> <p>9 D-15. It's a letter dated April 11th, 2018 from</p> <p>10 Mitchell Garabedian to Zachary Lehman. Have you seen</p> <p>11 the letter that I marked as D-15 before I handed it to</p> <p>12 you today?</p> <p>13 A. I have.</p> <p>14 Q. When was the first time you saw the letter</p> <p>15 that has been marked as D-15?</p> <p>16 A. It was April. I want to say April 21st,</p> <p>17 1019. I was on campus for career day.</p> <p>18 Q. I'm sorry, just to be clear, you didn't see</p> <p>19 the April 11th, 2018 letter until April 21st, 2019?</p> <p>20 A. '18, sorry</p> <p>21 Q. '18, okay.</p> <p>22 A. I saw it a couple weeks after.</p> <p>23 Q. And you're certain that you first saw the</p> <p>24 April 11th, 2018 letter on April 21st, 2018, because</p> <p>25 you were on The Hill School campus for Career Day?</p>	<p style="text-align: right;">Page 49</p> <p>1 invited you into his office to talk about the letter?</p> <p>2 A. First it was, I think he responded to my</p> <p>3 surprise that I didn't know what letter he was -- about</p> <p>4 which he was speaking. After that it was, my sense,</p> <p>5 that he didn't believe the allegations.</p> <p>6 Q. By allegations you mean the allegations by</p> <p>7 Mr. Kurtis Nicholas Poulos --</p> <p>8 A. I do.</p> <p>9 Q. That you sexually molested him when he was a</p> <p>10 child at The Hill School?</p> <p>11 A. Yes, ma'am.</p> <p>12 MR. JUBB: Objection to the form. You</p> <p>13 can put that down until she's asked you a</p> <p>14 question.</p> <p>15 BY MS. DOUGHERTY:</p> <p>16 Q. So what -- so Mr. Lehman told you -- let me</p> <p>17 start again. So Mr. Lehman expressed to you that he</p> <p>18 had read the April 11th, 2018 letter that I marked as</p> <p>19 D-15 when he invited you into his office on April 21st,</p> <p>20 2018 to talk about the letter, is that right?</p> <p>21 A. Yes.</p> <p>22 Q. And Mr. Lehman told you he didn't believe the</p> <p>23 allegations in the letter?</p> <p>24 A. That was my sense. I can't tell you his</p> <p>25 exact words, but it certainly was my -- what I left</p>

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<p style="text-align: right;">Page 50</p> <p>1 feeling.</p> <p>2 Q. What did Mr. Lehman say that led you to</p> <p>3 believe he didn't believe Mr. Poulos?</p> <p>4 MR. JUBB: Objection to the form. You</p> <p>5 can answer.</p> <p>6 BY MS. DOUGHERTY:</p> <p>7 Q. Let me start again. I'll ask it this way.</p> <p>8 What did Mr. Lehman do or say that led you to believe</p> <p>9 he did not believe Mr. Poulos's allegations expressed</p> <p>10 in the April 11th, 2018 letter that I've marked as</p> <p>11 D-15?</p> <p>12 MR. JUBB: Objection.</p> <p>13 THE WITNESS: I don't recall his exact</p> <p>14 words, but that he knew me well enough and my</p> <p>15 reputation's such that he didn't believe him.</p> <p>16 And, again, I don't know his exact words.</p> <p>17 BY MS. DOUGHERTY:</p> <p>18 Q. So on April 21st -- let me start again. Is</p> <p>19 it your understanding that before April 11th, 2018 that</p> <p>20 Mr. Lehman thought highly of you?</p> <p>21 A. Yes.</p> <p>22 Q. And is it correct that on April 21st, 2018,</p> <p>23 after Mr. Lehman expressed to you that he had already</p> <p>24 read the April 11th, 2018 letter that's been marked as</p> <p>25 D-15, that he still had a high opinion of you, is that</p>	<p style="text-align: right;">Page 52</p> <p>1 impression, on April 21st, 2018, that Mr. Lehman, after</p> <p>2 having read the April 11th, 2018 letter that's been</p> <p>3 marked as D-15, Mr. Lehman's opinion of you did not</p> <p>4 change?</p> <p>5 MR. JUBB: Same objection.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MS. DOUGHERTY:</p> <p>8 Q. So the content of the -- let me start again.</p> <p>9 It was your impression, on April 21st, 2018, that the</p> <p>10 content of the April 11th, 2018 letter that's been</p> <p>11 marked as D-15 did not cause Mr. Lehman's opinion of</p> <p>12 you to change, is that right?</p> <p>13 MR. JUBB: Same objection. You can</p> <p>14 answer.</p> <p>15 THE WITNESS: Correct.</p> <p>16 BY MS. DOUGHERTY:</p> <p>17 Q. Did Mr. Lehman express whether -- let me</p> <p>18 start again. What else did Mr. Lehman express to you</p> <p>19 when he invited you into his office on April 21st,</p> <p>20 2018?</p> <p>21 A. I don't recall specifically anything else he</p> <p>22 said.</p> <p>23 Q. Did he give you the letter?</p> <p>24 A. He e-mailed the letter to me.</p> <p>25 Q. So Mr. Lehman e-mailed you the April 11th,</p>
<p style="text-align: right;">Page 51</p> <p>1 right?</p> <p>2 MR. JUBB: Objection. You can answer.</p> <p>3 THE WITNESS: To the extent I could know</p> <p>4 that. I -- I don't know how to measure that,</p> <p>5 except what I would question somebody handed</p> <p>6 me -- gave me a letter similar to this</p> <p>7 regarding an employee.</p> <p>8 BY MS. DOUGHERTY:</p> <p>9 Q. So it was your impression that on April 21st,</p> <p>10 2018, that Mr. Lehman did not credit the allegations</p> <p>11 contained in the April 11th, 2018 letter that's been</p> <p>12 marked as D-15, because he knew your reputation, is</p> <p>13 that right?</p> <p>14 A. As well as me. That was my impression.</p> <p>15 Q. So your impression on April 21st, 2018, was</p> <p>16 that nothing contained in the April 11th, 2018 letter</p> <p>17 that's been marked as D-15 changed Mr. Lehman's</p> <p>18 opinions of you, is that right?</p> <p>19 MR. JUBB: I'll object to the form.</p> <p>20 THE WITNESS: I guess. I mean --</p> <p>21 BY MS. DOUGHERTY:</p> <p>22 Q. What do you mean you guess? I'm asking your</p> <p>23 impression.</p> <p>24 A. -- I have no certainty about that.</p> <p>25 Q. I asked you a question. So is it your</p>	<p style="text-align: right;">Page 53</p> <p>1 2018 letter that's been marked as D-15, on April 21st,</p> <p>2 2018, like when you were still in his office?</p> <p>3 A. No.</p> <p>4 Q. When did Mr. Lehman e-mail you the April</p> <p>5 11th, 2018 letter that's been marked as D-15?</p> <p>6 A. Later that day.</p> <p>7 Q. What did Mr. Lehman tell you about the letter</p> <p>8 when he invited you into his office on April 21st,</p> <p>9 2018?</p> <p>10 A. What did he tell me?</p> <p>11 Q. Yes.</p> <p>12 A. That it was there. That he received it. I</p> <p>13 don't recall if he read it to me. I don't -- I don't</p> <p>14 recall. It was a bit of a surreal moment. Kicked in</p> <p>15 the gut.</p> <p>16 Q. So, I'm sorry, Mr. Lehman read the letter to</p> <p>17 you?</p> <p>18 A. I don't recall specifically.</p> <p>19 Q. Mr. Lehman did something to communicate to</p> <p>20 you the content of Mr. Poulos's accusations in the</p> <p>21 April 11th, 2018 letter?</p> <p>22 A. He did.</p> <p>23 Q. What did Mr. Lehman convey to you regarding</p> <p>24 the content of the April 11th, 2018 letter when he</p> <p>25 invited you into his office on April 21st, 2018?</p>

<p style="text-align: right;">Page 54</p> <p>1 A. That he received a letter accusing me of</p> <p>2 sexually molesting a student in the early '90s.</p> <p>3 Q. Did he tell you who the student was?</p> <p>4 A. I don't remember.</p> <p>5 Q. Did Mr. Lehman tell you anything else about</p> <p>6 the letter when he invited you into his office on April</p> <p>7 21st, 2018?</p> <p>8 A. I just -- what -- whatever he said left me</p> <p>9 with the impression that he didn't believe it was</p> <p>10 credible.</p> <p>11 Q. What did you think when you heard Mr. -- when</p> <p>12 Mr. Lehman told you about the content of the letter?</p> <p>13 A. What did I think?</p> <p>14 Q. Yeah.</p> <p>15 A. I -- my world changed that instant. I didn't</p> <p>16 understand why someone would make up such a falsity</p> <p>17 regarding me. It didn't fit with the career I had. My</p> <p>18 experience at The Hill School. And I wondered why.</p> <p>19 Q. Anything else?</p> <p>20 A. In the moments that I was in his office?</p> <p>21 Q. Yes.</p> <p>22 A. Fear, that my name was attached to what I</p> <p>23 considered the most heinous crimes that can be --</p> <p>24 happen to a child. And where it was gonna -- what it</p> <p>25 was going to do to me, my life, my family. Every</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Did you think your children would believe the</p> <p>2 allegation?</p> <p>3 A. No.</p> <p>4 Q. You said that your life was entrenched at The</p> <p>5 Hill School.</p> <p>6 A. We lived on campus in dormitories. Yes.</p> <p>7 Q. Did you think that other people at The Hill</p> <p>8 School were going to believe the allegations in the</p> <p>9 April 11th, 2018 letter that's been marked as D-15?</p> <p>10 A. I can't know what people will think, except</p> <p>11 that I'm the only person alive that knows with absolute</p> <p>12 certainty that it's all made up, with the possible</p> <p>13 exception of one other person.</p> <p>14 Q. I'm sorry, who are you talking about? Are</p> <p>15 you talking about Mr. Poulos, who --</p> <p>16 A. I am.</p> <p>17 Q. -- 100 percent testified, at length, over</p> <p>18 several days, that he was absolutely repeatedly</p> <p>19 assaulted by you when he was a child?</p> <p>20 A. Yes.</p> <p>21 Q. Is that the person you're talking about?</p> <p>22 A. It is.</p> <p>23 Q. So am I correct that only you and Mr. Poulos</p> <p>24 know what actually happened between you and Mr. Poulos,</p> <p>25 is that right?</p>
<p style="text-align: right;">Page 55</p> <p>1 former student or colleague I ever had. I can't tell</p> <p>2 you that all ran through my head right there, but it</p> <p>3 was all present.</p> <p>4 Q. I guess I'm confused, because the information</p> <p>5 was shared with you, but Mr. Lehman's expressed to you</p> <p>6 that he didn't believe it, right? So why were you</p> <p>7 afraid?</p> <p>8 A. My name is attached to the ugliest thing a</p> <p>9 person can do to a child. Why would -- I don't know</p> <p>10 what else I could have felt. Sick to my stomach and</p> <p>11 afraid. It's all false. I have done nothing in my</p> <p>12 life that would lead -- it's just changed my life.</p> <p>13 That moment. I don't --</p> <p>14 Q. Did you think that your wife would believe</p> <p>15 the allegations contained in the April 11th, 2018</p> <p>16 letter that's been marked as D-15?</p> <p>17 A. No.</p> <p>18 Q. Why -- what was your concern about your</p> <p>19 family? You -- I think you said you were afraid of</p> <p>20 something in relation to your family.</p> <p>21 A. My children grew up on The Hill School</p> <p>22 campus. They graduated from the Hill School. They</p> <p>23 were -- childhood friends with whom they're still close</p> <p>24 are Hill School students. Every aspect of our life was</p> <p>25 entrenched in the school.</p>	<p style="text-align: right;">Page 57</p> <p>1 MR. JUBB: I'll object to the form.</p> <p>2 THE WITNESS: I don't -- of course.</p> <p>3 BY MS. DOUGHERTY:</p> <p>4 Q. I'm just -- I'm just trying to confirm,</p> <p>5 because you said possibly one other person. So I --</p> <p>6 A. Yes.</p> <p>7 Q. -- wanted to make sure there's no other</p> <p>8 witness --</p> <p>9 A. He would be the only other person that knows</p> <p>10 with absolute certainty that I never abused him or</p> <p>11 inappropriately touched him.</p> <p>12 Q. Have you read Mr. Poulos's testimony in this</p> <p>13 action?</p> <p>14 A. No.</p> <p>15 Q. Did you observe any component of Mr. Poulos's</p> <p>16 testimony?</p> <p>17 A. Observe, as in?</p> <p>18 Q. I don't think you did, but did you watch via</p> <p>19 Zoom or --</p> <p>20 A. No.</p> <p>21 Q. Did you learn the content of Mr. Poulos's</p> <p>22 deposition testimony?</p> <p>23 MR. JUBB: You don't have to answer that</p> <p>24 question.</p> <p>25 MS. DOUGHERTY: I said did he learn the</p>

<p style="text-align: right;">Page 58</p> <p>1 content of Mr. Poulos's deposition testimony.</p> <p>2 MR. JUBB: Yeah, and I'm saying he</p> <p>3 wouldn't have to answer that. How would he</p> <p>4 learn about the contents of the deposition</p> <p>5 testimony, other than through counsel?</p> <p>6 MS. DOUGHERTY: I don't know. But it's</p> <p>7 a -- should be a yes or no question. And</p> <p>8 then if I want to ask him how he learned, if</p> <p>9 that's his answer, then he can tell me that.</p> <p>10 MR. JUBB: No. That's not how it works.</p> <p>11 If he says, yes, he learned the content of</p> <p>12 it, it came from me. If he says, no I don't</p> <p>13 know the content of it, it also didn't come</p> <p>14 from me. So I don't think you can get around</p> <p>15 it that way.</p> <p>16 BY MS. DOUGHERTY:</p> <p>17 Q. How did you learn the content of Mr. Poulos's</p> <p>18 testimony?</p> <p>19 MR. JUBB: I'll object to the form of</p> <p>20 the question.</p> <p>21 THE WITNESS: Could you just repeat it?</p> <p>22 I didn't hear you.</p> <p>23 BY MS. DOUGHERTY:</p> <p>24 Q. Sure. How did you learn about the content of</p> <p>25 Mr. Poulos's deposition testimony?</p>	<p style="text-align: right;">Page 60</p> <p>1 fact, the headmaster of The Hill School, right?</p> <p>2 A. Yes.</p> <p>3 Q. You know that, because you were an employee</p> <p>4 of The Hill School and Mr. Lehman was within your</p> <p>5 reporting chain, is that right?</p> <p>6 A. Yes.</p> <p>7 Q. And it says, "Re: Sexual abuse claim of</p> <p>8 Kurtis Nicholas Poulos", right?</p> <p>9 A. Yes.</p> <p>10 Q. When you were having the meeting with Mr.</p> <p>11 Lehman on April 21st, 2018, did he tell you that the</p> <p>12 letter was about Mr. Poulos?</p> <p>13 A. I believe so.</p> <p>14 Q. So before you left Mr. Lehman's office on</p> <p>15 April 21st, 2018, you knew that Kurtis Nicholas Poulos</p> <p>16 had accused you of repeatedly sexually molesting him,</p> <p>17 is that right?</p> <p>18 A. Yes.</p> <p>19 Q. Now, if you look at the top, the letter's</p> <p>20 from -- it says at the top, Law Office of Mitchell</p> <p>21 Garabedian. And on the second page, in the middle, I</p> <p>22 guess, it says, "Very truly yours, MG, Mitchell</p> <p>23 Garabedian." Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. And did Mr. Lehman tell you from whom the</p>
<p style="text-align: right;">Page 59</p> <p>1 MR. JUBB: You don't have to answer that</p> <p>2 question. Don't answer that question.</p> <p>3 THE WITNESS: I -- I didn't say I had.</p> <p>4 BY MS. DOUGHERTY:</p> <p>5 Q. So you did not learn about the content of --</p> <p>6 A. I didn't say that.</p> <p>7 Q. -- Mr. Poulos's testimony?</p> <p>8 MR. JUBB: You don't have to answer it.</p> <p>9 This is not a fair question.</p> <p>10 BY MS. DOUGHERTY:</p> <p>11 Q. Well, how do you know if Mr. Poulos isn't</p> <p>12 telling the truth, if you don't know the testimony?</p> <p>13 A. I know what I read. We were talking about</p> <p>14 this letter. This is false. (Indicating.)</p> <p>15 Q. You're pointing to the April 11th, 2018</p> <p>16 letter that's been marked --</p> <p>17 A. I am indeed.</p> <p>18 Q. -- D-15?</p> <p>19 A. Yes.</p> <p>20 Q. Let's look at that. The letter starts off,</p> <p>21 it's addressed to Zachary G. Lehman. Headmaster of The</p> <p>22 Hill School, 860 Beech Street, Pottstown, Pennsylvania,</p> <p>23 19464, right?</p> <p>24 A. Yep.</p> <p>25 Q. And on April 11th, 2018, Mr. Lehman was, in</p>	<p style="text-align: right;">Page 61</p> <p>1 letter came when you met with Mr. Lehman in his office</p> <p>2 on April 21st, 2018, other than just identifying a</p> <p>3 student?</p> <p>4 A. I don't recall.</p> <p>5 Q. Okay. So you certainly learned, later on</p> <p>6 that day, when Mr. Lehman e-mailed you the April 11th,</p> <p>7 2018 letter that's been marked as D-15, that the letter</p> <p>8 was on a lawyer's letterhead --</p> <p>9 A. Yes.</p> <p>10 Q. -- is that right? Did you recognize Mr.</p> <p>11 Garabedian when you reviewed the letter on April 21st,</p> <p>12 20 --</p> <p>13 A. No.</p> <p>14 Q. Let me start again. Did you review the</p> <p>15 letter, on April 21st, 2018, when Mr. Lehman e-mailed</p> <p>16 it to you?</p> <p>17 A. Yes.</p> <p>18 Q. So the first time you read the letter from</p> <p>19 start to finish, the letter being the April 11th, 2018</p> <p>20 letter that was marked as D-15, was on April 21st,</p> <p>21 2018, is that right?</p> <p>22 A. Yes.</p> <p>23 Q. And so when you read the letter on April</p> <p>24 21st, 2018, did you recognize Mr. Garabedian?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. Did you Google Mr. Garabedian?</p> <p>2 A. Probably at some point I did. I can't tell</p> <p>3 you when. It wasn't my --</p> <p>4 Q. So you Googled Mr. Garabedian sometime after</p> <p>5 you read the April 11th, 2018 letter that's been marked</p> <p>6 as D-15, is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Did you Google Mr. Garabedian close in time</p> <p>9 to when you first read the letter that's been marked as</p> <p>10 D-15?</p> <p>11 A. I don't recall.</p> <p>12 Q. Did you Google Mr. Garabedian before the</p> <p>13 second letter?</p> <p>14 A. Yes. I would have known who he was by then,</p> <p>15 yes.</p> <p>16 Q. What did you learn about Mr. Garabedian?</p> <p>17 A. I think the -- probably the first thing I</p> <p>18 learned that stood out was that he was the attorney</p> <p>19 that was highlighted in the movie Spotlight.</p> <p>20 Q. Anything else that you learned about Mr.</p> <p>21 Garabedian?</p> <p>22 A. No.</p> <p>23 Q. And you learned --</p> <p>24 A. Well --</p> <p>25 Q. Go ahead.</p>	<p style="text-align: right;">Page 64</p> <p>1 A. No.</p> <p>2 Q. Basically what you're telling me is when you</p> <p>3 learned that Mr. Garabedian was depicted in the movie</p> <p>4 Spotlight you didn't need to look any further. You</p> <p>5 understood the nature of Mr. Garabedian's practice. Or</p> <p>6 did you do further investigation?</p> <p>7 A. I don't recall if I read more. I probably</p> <p>8 did. But I think I -- mostly probably the movie, or</p> <p>9 the reputation that the movie portrays.</p> <p>10 Q. Did you visit Mr. Garabedian's website?</p> <p>11 A. Not then.</p> <p>12 Q. Not then, you mean -- what are you talking</p> <p>13 about?</p> <p>14 A. You're talking about right after I got the</p> <p>15 letter?</p> <p>16 Q. Okay. So right after you got the April 11th,</p> <p>17 2018 letter that's been marked as D-15, that's when you</p> <p>18 Googled Mr. Garabedian and learned he was depicted in</p> <p>19 the movie Spotlight?</p> <p>20 A. Yes. I don't know if it was that day. It</p> <p>21 was after -- after I saw the letter. I can't -- I</p> <p>22 can't tell you when. Specifically time frame. It</p> <p>23 would have been soon after.</p> <p>24 Q. A couple days or a couple weeks?</p> <p>25 A. I'm sure. Probably that. Yes.</p>
<p style="text-align: right;">Page 63</p> <p>1 A. That -- that his offices were in Boston. But</p> <p>2 I probably knew that once I saw it. But beyond that,</p> <p>3 no.</p> <p>4 Q. And you learned -- did you learn that Mr.</p> <p>5 Garabedian represents survivors of childhood sexual</p> <p>6 abuse?</p> <p>7 A. Yes.</p> <p>8 Q. And you learned that Mr. Garabedian</p> <p>9 represents survivors of childhood sexual abuse by</p> <p>10 Googling Mr. Garabedian?</p> <p>11 A. Yes.</p> <p>12 Q. Did you learn information about Mr.</p> <p>13 Garabedian from a source other than Googling Mr.</p> <p>14 Garabedian?</p> <p>15 A. Well, I had seen the movie. So once I knew</p> <p>16 the movie featured him, I would've had some</p> <p>17 recollection of that.</p> <p>18 Q. So you Googled Mr. Garabedian, you realized</p> <p>19 he was depicted in a movie that you saw, which informed</p> <p>20 your belief about Mr. Garabedian, is that right?</p> <p>21 A. Is that how I knew him? Who he was?</p> <p>22 Q. I'm just trying to -- you Googled Mr.</p> <p>23 Garabedian. You had independent information because</p> <p>24 you watched the movie Spotlight. Did you have any</p> <p>25 other source of information about Mr. Garabedian?</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. So what you're telling me is when you checked</p> <p>2 your e-mail and you got the letter from Mr. Lehman and</p> <p>3 you read the letter, you didn't, like, immediately go</p> <p>4 Google Mr. Garabedian, but sometime in the coming days</p> <p>5 or perhaps weeks you Googled Mr. Garabedian to learn</p> <p>6 about him?</p> <p>7 A. That would be correct, yes.</p> <p>8 Q. And are you able to tell me, without</p> <p>9 completely guessing, whether it was days or weeks after</p> <p>10 you reviewed the letter?</p> <p>11 A. I cannot.</p> <p>12 Q. But you're sure it wasn't longer than weeks,</p> <p>13 is that right?</p> <p>14 A. I'm pretty sure.</p> <p>15 Q. So within weeks of April 21st, 2018, you</p> <p>16 Googled Mr. Garabedian and learned that he was a lawyer</p> <p>17 depicted in the movie Spotlight, is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And within a couple weeks of April 21st,</p> <p>20 2018, you knew that Mr. Garabedian represents survivors</p> <p>21 of childhood sexual abuse, is that right?</p> <p>22 A. Yes.</p> <p>23 Q. Did you visit Mr. Garabedian's website when</p> <p>24 you were Googling Mr. Garabedian a few weeks after</p> <p>25 April 21st, or within a few weeks after April 21st,</p>

<p style="text-align: right;">Page 66</p> <p>1 2018?</p> <p>2 A. I don't believe so.</p> <p>3 Q. You said earlier not at that time. Was there</p> <p>4 another time when you were doing research about Mr.</p> <p>5 Garabedian?</p> <p>6 A. I have -- I have visited his website. I</p> <p>7 can't tell you if it was before the second letter.</p> <p>8 After. I can't tell you specifically when.</p> <p>9 Q. Okay. So there's at least two instances</p> <p>10 where you did research about Mr. Garabedian, is that</p> <p>11 right?</p> <p>12 A. Yes. I -- I don't know if visiting the</p> <p>13 website was research, but yes.</p> <p>14 Q. Why did you visit the website?</p> <p>15 A. That's why I say it's probably research.</p> <p>16 Q. Okay.</p> <p>17 A. I was curious.</p> <p>18 Q. Why were you curious about Mr. Garabedian?</p> <p>19 A. Because he wrote false letters about me that</p> <p>20 were written in a factual basis. And I -- I wondered</p> <p>21 why someone would do that.</p> <p>22 Q. You said letters. So now do you remember</p> <p>23 that you visited the website after the second letter?</p> <p>24 Or were there more instances --</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 68</p> <p>1 start again. You were curious to see what Mr.</p> <p>2 Garabedian looked like. What else did you look at on</p> <p>3 Mr. Garabedian's website?</p> <p>4 A. I don't recall. At all. I can't tell you</p> <p>5 why I went. Except I'm wondering what's going on in my</p> <p>6 life. It would have just probably seemed like a</p> <p>7 natural place to go look.</p> <p>8 Q. Did you --</p> <p>9 A. I don't know how to explain that.</p> <p>10 Q. Did you look at information about other</p> <p>11 lawyers affiliated with Mr. Garabedian's law firm? Or</p> <p>12 just for information about Mr. Garabedian?</p> <p>13 A. Other lawyers on his website, is that what</p> <p>14 you're asking?</p> <p>15 Q. Sure. Affiliated with his law firm.</p> <p>16 A. No.</p> <p>17 Q. So you were only interested in doing research</p> <p>18 about Mitchell Garabedian, is that right?</p> <p>19 A. Yes.</p> <p>20 Q. Was there a reason why you were only</p> <p>21 interested in doing research about Mitchell Garabedian</p> <p>22 as compared to research about Mitchell Garabedian's law</p> <p>23 firm, or other lawyers affiliated with Mr. Garabedian's</p> <p>24 law firm?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. -- of research?</p> <p>2 A. I -- I don't recall. After the second</p> <p>3 certainly makes sense to me. But I -- I don't recall.</p> <p>4 My -- my life changed and time changed with it. I</p> <p>5 can't -- it's -- it's a miserable blur.</p> <p>6 Q. Okay. So other than Google Mr. Garabedian on</p> <p>7 one instance, and learning he was depicted in the movie</p> <p>8 Spotlight, and then later visiting Mr. Garabedian's</p> <p>9 website, did you do any other research about Mr.</p> <p>10 Garabedian?</p> <p>11 A. No.</p> <p>12 Q. How about did you -- when you visited -- let</p> <p>13 me start again. What did you look at when you went to</p> <p>14 Mr. Garabedian's website?</p> <p>15 A. I don't recall. I think, one, I probably</p> <p>16 would have cared what he looked like. Beyond that, I</p> <p>17 -- I don't know.</p> <p>18 Q. Did you want to see if Stanley Tucci was an</p> <p>19 accurate character to play him, is that right?</p> <p>20 A. (Witness laughing.)</p> <p>21 Q. So you wanted to know what Mr. Garabedian</p> <p>22 looked like. What else did you look at on Mr.</p> <p>23 Garabedian's web site?</p> <p>24 A. I'm sorry. Again?</p> <p>25 Q. Sure. So you went to see what -- let me</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Why?</p> <p>2 A. Because it's his signature, or his name at</p> <p>3 the end of the letter.</p> <p>4 Q. So just going back to the April 11th, 2018</p> <p>5 letter that's been marked as D-15. You said something</p> <p>6 that Mr. Garabedian wrote factual letters. Were you</p> <p>7 referring to the April 11th, 2018 letter that's been</p> <p>8 marked as D-15?</p> <p>9 MR. JUBB: I'll object to the form --</p> <p>10 THE WITNESS: Yes.</p> <p>11 MR. JUBB: -- of that.</p> <p>12 BY MS. DOUGHERTY:</p> <p>13 Q. Well, correct me if you didn't say it. I</p> <p>14 thought you expressed the comment along the lines of he</p> <p>15 wrote factual letters and that's what prompted you to</p> <p>16 look at his website.</p> <p>17 MR. JUBB: That's not what he said.</p> <p>18 Objection to the form.</p> <p>19 THE WITNESS: Should -- may I answer?</p> <p>20 MR. JUBB: Go ahead.</p> <p>21 THE WITNESS: The letter is written --</p> <p>22 MS. DOUGHERTY: I wrote it down. He</p> <p>23 said factual information.</p> <p>24 MR. JUBB: He said he wrote false</p> <p>25 letters asserting facts.</p>

<p style="text-align: right;">Page 70</p> <p>1 MS. DOUGHERTY: Factual information. I</p> <p>2 thought it was curious. So I'm not</p> <p>3 mischaracterizing his testimony.</p> <p>4 MR. JUBB: You can -- you got that,</p> <p>5 right?</p> <p>6 THE WITNESS: I described --</p> <p>7 BY MS. DOUGHERTY:</p> <p>8 Q. Hold on. Here's what I want to know. I just</p> <p>9 want to know what you meant when you uttered the words</p> <p>10 factual information in connection with the letters</p> <p>11 written by Mr. Garabedian.</p> <p>12 A. I said -- what I meant or mean is that there</p> <p>13 is a letter falsely accusing me, written as though the</p> <p>14 allegations are fact.</p> <p>15 Q. Okay. So specifically, going to the April</p> <p>16 11th, 2018 letter that's been marked as D-15, you think</p> <p>17 that the letter is written as if it is communicating</p> <p>18 facts, is that right?</p> <p>19 A. Yeah.</p> <p>20 Q. When you read the April 11th, 2018 letter</p> <p>21 that has been marked as D-15, on April 21st, 2018, did</p> <p>22 you have a belief about the source of the information</p> <p>23 included in the letter?</p> <p>24 MR. JUBB: I'll object to the form.</p> <p>25 THE WITNESS: A belief?</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Yes.</p> <p>2 Q. And so when you read the letter on April --</p> <p>3 when you read -- let me start again. When you read the</p> <p>4 April 11th, 2018 letter that's been marked as D-15, on</p> <p>5 April 21st, 2018, you immediately understood that Mr.</p> <p>6 Garabedian was writing to Mr. Lehman on behalf of a</p> <p>7 client, Kurtis Nicholas Poulos, is that right?</p> <p>8 A. Yes.</p> <p>9 Q. And then the letter continues, "This letter</p> <p>10 is an attempt to settle any compromised claims</p> <p>11 regarding Matthew B. Ralston, hereinafter, Mr. Ralston,</p> <p>12 and Mr. Ralston's supervisors at The Hill School." Did</p> <p>13 you read that sentence on April 21st, 2018?</p> <p>14 A. Yes.</p> <p>15 Q. Matthew B. Ralston, was it your understanding</p> <p>16 that referred to you?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And then it says, "It should not be</p> <p>19 used as evidence in any court hearing." Did you read</p> <p>20 that sentence --</p> <p>21 A. Yes.</p> <p>22 Q. On April 21st, 2018? Yes?</p> <p>23 A. Yes.</p> <p>24 Q. And it continues, "Kurtis Nicholas Poulos."</p> <p>25 did you recognize the name Kurtis Nicholas Poulos when</p>
<p style="text-align: right;">Page 71</p> <p>1 BY MS. DOUGHERTY:</p> <p>2 Q. Yeah.</p> <p>3 MR. JUBB: Like who the source was?</p> <p>4 BY MS. DOUGHERTY:</p> <p>5 Q. Yeah. Sure.</p> <p>6 A. I'm sorry. I don't understand what you're</p> <p>7 asking.</p> <p>8 Q. Well, do you think Mr. Garabedian came up</p> <p>9 with the idea that Mr. Poulos was sexually abused by</p> <p>10 you? Or do you think that's something that Mr. Poulos</p> <p>11 told Mr. Garabedian?</p> <p>12 MR. JUBB: At the time you read the</p> <p>13 letter.</p> <p>14 BY MS. DOUGHERTY:</p> <p>15 Q. At the time you read the letter on April</p> <p>16 21st, 2018.</p> <p>17 A. I assumed that Mr. Poulos told Mr.</p> <p>18 Garabedian.</p> <p>19 Q. So we were -- I think we were going line by</p> <p>20 line through the letter when I got distracted about the</p> <p>21 website. So, "Dear Mr. Lehman, please be informed that</p> <p>22 this office represents Kurtis Nicholas Poulos." So you</p> <p>23 read the first sentence of the April 11th, 2018 letter</p> <p>24 that's been marked as D-15, on April 21st, 2018, is</p> <p>25 that right?</p>	<p style="text-align: right;">Page 73</p> <p>1 you read the April 11th, 2018 letter that's been marked</p> <p>2 as D-15 on April 21st, 2018?</p> <p>3 A. Yes.</p> <p>4 Q. Did you recognize Kurtis Nicholas Poulos as</p> <p>5 one of your former students?</p> <p>6 A. Yes. Yes. I can't say in that moment I</p> <p>7 recognized him as a student I taught. As a student who</p> <p>8 lived in our dormitory, yes. As a student of the</p> <p>9 school, yes.</p> <p>10 Q. Okay. So on April 21st, 2018, when you read</p> <p>11 the April 11th, 2018 letter that's been marked as D-15,</p> <p>12 you recognized Mr. Poulos as a former student of The</p> <p>13 Hill School who was in your dormitory, but you don't</p> <p>14 remember whether you realized that Mr. Poulos had also</p> <p>15 been one of your students?</p> <p>16 A. I don't think my memory went to the context</p> <p>17 of our relationship, because relationships of a</p> <p>18 boarding school, pretty much every aspect of not only</p> <p>19 academic life, but residential life and athletic life.</p> <p>20 So recognizing a student as a student of the school is</p> <p>21 -- when I think of someone, is what I consider. What I</p> <p>22 think about. Is that clear?</p> <p>23 Q. Okay. So you recognized Mr. Poulos as --</p> <p>24 A. I don't --</p> <p>25 Q. -- a student -- a former student of The Hill</p>

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<p style="text-align: right;">Page 74</p> <p>1 School on April 21st, 2018 when you read the April 11,</p> <p>2 2018 letter, is that right?</p> <p>3 A. And with whom -- yes. And with whom I would</p> <p>4 have had contact in several capacities. I probably did</p> <p>5 not consider those capacities when I read the letter.</p> <p>6 Q. Do you now acknowledge that you taught</p> <p>7 geometry to Mr. Poulos when he was a student at The</p> <p>8 Hill School?</p> <p>9 A. Of course.</p> <p>10 Q. Was there a time when you remembered that you</p> <p>11 taught Mr. Poulos geometry, after reading the April</p> <p>12 21st, 2018 letter?</p> <p>13 A. A time that I recall --</p> <p>14 Q. I think you're telling me -- let me start</p> <p>15 again. Did you realize that you taught geometry to Mr.</p> <p>16 Poulos on October -- excuse me, April 21st, 2018 when</p> <p>17 you read the April 11th, 2018 letter?</p> <p>18 A. I could have recalled that I taught him. I</p> <p>19 don't know that I could have told you that I taught him</p> <p>20 geometry.</p> <p>21 Q. Okay. So the letter continues, "Currently 39</p> <p>22 years of age. Was repeatedly sexually molested by Mr.</p> <p>23 Ralston from approximately 1993, when he was</p> <p>24 approximately 15 years of age, until approximately</p> <p>25 1995, when he was approximately 17 years of age." Did</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Those are false statements. That is a false</p> <p>2 statement.</p> <p>3 Q. Okay. So what about the paragraph about Mr.</p> <p>4 Poulos's --</p> <p>5 A. So logically for me, the second -- the third</p> <p>6 -- what's the third paragraph of the letter is also</p> <p>7 false. And my strongest reaction, you ask how I felt</p> <p>8 about the third paragraph, I can tell you my reaction</p> <p>9 would have been focused on the second paragraph, where</p> <p>10 all falsity begins. Everything that follows that is</p> <p>11 just piling on false facts. False statements.</p> <p>12 Q. Okay. So you couldn't get past the sentence</p> <p>13 that said Mr. Poulos was repeatedly sexually molested</p> <p>14 by you, is that right?</p> <p>15 A. I -- I didn't say that.</p> <p>16 Q. Okay.</p> <p>17 A. You asked how I felt about the third</p> <p>18 paragraph. I'm telling you my reaction would have been</p> <p>19 focused on the second paragraph. Everything after that</p> <p>20 I read. It was false. My focus would have been on the</p> <p>21 sentence in the second paragraph that makes a false</p> <p>22 statement that I repeatedly sexually molested him.</p> <p>23 Q. Okay. Just so I understand. So your belief</p> <p>24 about Mr. Poulos is the paragraph about Mr. Poulos's</p> <p>25 injuries being false is because you contend that you</p>
<p style="text-align: right;">Page 75</p> <p>1 you read that sentence on April 21st, 2018?</p> <p>2 A. I did.</p> <p>3 Q. Did you have contact with Mr. Poulos at The</p> <p>4 Hill School between 1993 and 1995?</p> <p>5 A. Yes.</p> <p>6 Q. The third paragraph of the letter, which goes</p> <p>7 on to the second page, describes Mr. Poulos's injuries.</p> <p>8 Did you read the third paragraph of the April 11th,</p> <p>9 2018 letter on April 21st, 2018?</p> <p>10 A. Yes.</p> <p>11 Q. What was your reaction when you read the</p> <p>12 third paragraph of the April 11th, 2018 letter on April</p> <p>13 21st, 2018?</p> <p>14 A. I don't know if I would have had -- my</p> <p>15 reactions would have been to the first paragraph above</p> <p>16 it. Would have been my most -- my strongest reactions.</p> <p>17 Anything resulting from something I knew to be false</p> <p>18 would not have had the impact of what I knew to be</p> <p>19 false. Where he states that he was repeatedly is</p> <p>20 false. The results of that, I think in my --</p> <p>21 Q. You mean where he said he was repeatedly</p> <p>22 sexually molested by Mr. Ralston?</p> <p>23 A. Yes.</p> <p>24 Q. So you disagree that Mr. Poul -- that you</p> <p>25 repeatedly sexually molested Mr. Poulos, is that right?</p>	<p style="text-align: right;">Page 77</p> <p>1 did not sexually molest Mr. Poulos, is that right?</p> <p>2 A. I did not molest Mr. Poulos. That is</p> <p>3 correct.</p> <p>4 Q. The fact that you say that you did not</p> <p>5 sexually molest Mr. Poulos, is that the only reason why</p> <p>6 you don't believe the statements about Mr. Poulos's</p> <p>7 injuries?</p> <p>8 A. Yes. Because it says as a result of my</p> <p>9 molesting him. So those can't be a result. They can't</p> <p>10 be true, because it's a result of something I didn't</p> <p>11 do.</p> <p>12 Q. Why do you think Mr. Poulos accused you of</p> <p>13 repeatedly sexually molesting him if you didn't</p> <p>14 repeatedly sexually molest him?</p> <p>15 A. I have no idea. I spent months trying to</p> <p>16 figure that out. And at some point it occurred to me I</p> <p>17 can't figure it out. And I just -- how was I going to</p> <p>18 continue to deal with the -- the presence and the --</p> <p>19 the tortuous presence, if you will, of being falsely</p> <p>20 accused of such a heinous crime against a child.</p> <p>21 Q. Just sticking with April 21st, 2018. At that</p> <p>22 time only you and Mr. Lehman knew about the</p> <p>23 accusations, is that right?</p> <p>24 A. I -- I don't believe that to be true.</p> <p>25 Q. Who else knew about Mr. Poul -- well, let me</p>

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78 to 81

<p style="text-align: right;">Page 78</p> <p>1 start again. Other than Mr. Garabedian and Mr. Poulos,</p> <p>2 who, other than you and Mr. Lehman, knew about Mr.</p> <p>3 Poulos's accusations on April 21st, 2018?</p> <p>4 A. I know with certainty that Tom Rees knew.</p> <p>5 Q. So the lawyer for The Hill School?</p> <p>6 A. The lawyer -- yes.</p> <p>7 Q. Okay.</p> <p>8 A. And I assumed and I would -- as much</p> <p>9 certainty as I could without asking, the board chair.</p> <p>10 And, in all likelihood, the legal committee of the</p> <p>11 board.</p> <p>12 Q. Okay. So --</p> <p>13 A. Headmast -- okay. Sorry.</p> <p>14 Q. Go ahead. The board chair. The legal what?</p> <p>15 A. Committee of the Board of Trustees.</p> <p>16 Q. Were you still going?</p> <p>17 A. No.</p> <p>18 Q. Okay. So --</p> <p>19 A. Did you get -- you have Tom Rees?</p> <p>20 Q. Yeah. I was going to go back to clarify who</p> <p>21 -- what you knew with certainty the basis. So</p> <p>22 obviously Mr. Lehman had the letter, because he</p> <p>23 provided it to you. You said that you knew with</p> <p>24 certainty, on April 21st, 2021, that Thomas Rees, the</p> <p>25 lawyer for The Hill School, also knew about the April</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. So you don't know whether you -- did you --</p> <p>2 let me start again. Did you call your wife more than</p> <p>3 once, on April 21st, 2018, to talk about Mr. Poulos's</p> <p>4 allegations?</p> <p>5 A. I don't remember.</p> <p>6 Q. Did you send the wife -- let me start again.</p> <p>7 Did you send your wife the April 11th, 2018 letter</p> <p>8 that's been marked D-15 --</p> <p>9 A. No.</p> <p>10 Q. -- after you received it from Mr. Lehman on</p> <p>11 April 21st, 2018?</p> <p>12 A. No, I did not.</p> <p>13 Q. Is there a reason why you didn't share the</p> <p>14 letter with your wife?</p> <p>15 A. Other than she didn't need it. At the point</p> <p>16 that I received it, and again I don't know the timing,</p> <p>17 I would have read it to her. Beyond that she didn't</p> <p>18 need it.</p> <p>19 Q. I'm sorry, you don't remember whether you had</p> <p>20 it before you talked to your wife?</p> <p>21 A. That's what I said --</p> <p>22 Q. Or you do remember?</p> <p>23 A. -- yes.</p> <p>24 Q. I thought you said you read it to her.</p> <p>25 A. I said I would have read it. You asked why I</p>
<p style="text-align: right;">Page 79</p> <p>1 11th, 2018 letter that's been marked as D-15, is that</p> <p>2 right?</p> <p>3 A. Yes.</p> <p>4 Q. Why do you say that you knew with certainty</p> <p>5 that Thomas Rees --</p> <p>6 A. Because after speaking with my wife, he was</p> <p>7 my first phone call. I've known Tom for -- '16, so</p> <p>8 probably 20 years at that point.</p> <p>9 Q. So you left Mr. Lehman's office, after he</p> <p>10 invited you in on April 21st, 2018, and then you did</p> <p>11 what?</p> <p>12 A. I went back to where I was staying, called my</p> <p>13 wife.</p> <p>14 Q. So your wife wasn't with you?</p> <p>15 A. No.</p> <p>16 Q. So you called your wife in Ohio?</p> <p>17 A. I did.</p> <p>18 Q. And you told your wife what?</p> <p>19 A. What -- what -- what I had received and been</p> <p>20 told by Mr. Lehman.</p> <p>21 Q. Okay. So you had received the April 11th,</p> <p>22 2018 letter by e-mail from Mr. Lehman before you called</p> <p>23 your wife? Or you were just relaying what Mr. Lehman</p> <p>24 told you?</p> <p>25 A. I don't recall. Certainly what he told me.</p>	<p style="text-align: right;">Page 81</p> <p>1 didn't send it to her.</p> <p>2 Q. Oh, I get it. Okay. So if you had the</p> <p>3 letter before you called your wife you would have read</p> <p>4 it to her, right?</p> <p>5 A. Yes.</p> <p>6 Q. So then you wouldn't need to send it to her.</p> <p>7 But you don't know if you had the letter before you</p> <p>8 called your wife, right?</p> <p>9 A. Correct. I know I had seen Mr. Lehman.</p> <p>10 Q. What's your explanation for not sending it to</p> <p>11 your wife if you didn't have it before you spoke to</p> <p>12 her?</p> <p>13 A. I'm sorry?</p> <p>14 Q. You can't tell me one way or the other</p> <p>15 whether you had the letter before you spoke to your</p> <p>16 wife. You're positive that you wouldn't need to send</p> <p>17 it to her if you had it before you spoke to her,</p> <p>18 because you would have read it to her. So now I'm</p> <p>19 trying to find out the alternative.</p> <p>20 A. I don't --</p> <p>21 Q. Why wouldn't you send it to her?</p> <p>22 A. I don't understand the confusion. When I</p> <p>23 received the letter --</p> <p>24 Q. Yes.</p> <p>25 A. -- if I spoke -- when I spoke with my wife</p>

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82 to 85

<p style="text-align: right;">Page 82</p> <p>1 after receiving it, I would have read it to her. When</p> <p>2 I called her, after leaving Mr. Lehman's office for the</p> <p>3 first time, I can't tell you if I had the letter or</p> <p>4 not. I would have gone right back and called her,</p> <p>5 because my world had just been shattered.</p> <p>6 Q. I'm sorry, your world was shattered even</p> <p>7 though Mr. Lehman told you he didn't believe the</p> <p>8 contentions?</p> <p>9 MR. JUBB: I'll object to the form. You</p> <p>10 can answer.</p> <p>11 THE WITNESS: I'm sorry?</p> <p>12 MR. JUBB: You can answer. Go ahead.</p> <p>13 THE WITNESS: Oh. Yeah. There's this</p> <p>14 letter that says, in a factual sentence</p> <p>15 that's false, that I repeatedly molested a</p> <p>16 student.</p> <p>17 BY MS. DOUGHERTY:</p> <p>18 Q. Okay. We -- we're starting to go through the</p> <p>19 people who learned that accusation. And the first one</p> <p>20 is Mr. Lehman. And he didn't believe it, right?</p> <p>21 MR. JUBB: Object to the form.</p> <p>22 THE WITNESS: That was my sense.</p> <p>23 BY MS. DOUGHERTY:</p> <p>24 Q. Okay. Then when you communicated that</p> <p>25 information to your wife, did she believe it?</p>	<p style="text-align: right;">Page 84</p> <p>1 like communicated by Mr. Poulos in the April 11th, 2018</p> <p>2 letter?</p> <p>3 MR. JUBB: Objection to the form.</p> <p>4 THE WITNESS: It's my -- so you're</p> <p>5 asking if I understood that the letter was</p> <p>6 seeking payment from the school?</p> <p>7 BY MS. DOUGHERTY:</p> <p>8 Q. Yes.</p> <p>9 A. Yes.</p> <p>10 Q. So on April 21st, 2018 you didn't believe</p> <p>11 that Mr. Poulos was asking you for money, right?</p> <p>12 MR. JUBB: I'll object to the form.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MS. DOUGHERTY:</p> <p>15 Q. Let me -- just to confirm, the second page of</p> <p>16 the April 11th, 2018 letter that's been marked as D-15,</p> <p>17 the last -- okay, third from last line, I guess, says</p> <p>18 Mr. Poulos's demand from settlement is a million</p> <p>19 dollars. Is that where you got the idea that Mr.</p> <p>20 Poulos was seeking money from The Hill School?</p> <p>21 A. Yes. I'll go back and read it. I probably</p> <p>22 would have assumed that it was implied in the second</p> <p>23 sentence of the letter.</p> <p>24 Q. Right.</p> <p>25 A. I mean --</p>
<p style="text-align: right;">Page 83</p> <p>1 A. No.</p> <p>2 Q. And then you said, after speaking to your</p> <p>3 wife you called Mr. Rees, is that right?</p> <p>4 A. Yes.</p> <p>5 Q. Did you call Mr. Rees after you received the</p> <p>6 letter?</p> <p>7 A. I don't remember.</p> <p>8 Q. What -- you didn't call Mr. Rees for legal</p> <p>9 advice, did you?</p> <p>10 A. Of course not.</p> <p>11 Q. What did you tell Mr. Rees when you called</p> <p>12 him on April 21st, 2021? I'm sorry, let me start</p> <p>13 again.</p> <p>14 What did you tell Mr. Rees when you called him on April</p> <p>15 21st, 2018?</p> <p>16 A. I would have asked -- and I don't remember</p> <p>17 our conversation verbatim -- I would have asked how</p> <p>18 something like this progresses or proceeds. I would</p> <p>19 have asked -- I know I did ask him do schools ever</p> <p>20 fight these things. And then I would have listened to</p> <p>21 whatever he was saying in response to those two.</p> <p>22 Q. Okay. So on April 21st, 2018 you understood</p> <p>23 that Mr. Poulos was pursuing a claim against The Hill</p> <p>24 School, and you wanted to know from Mr. Rees, in words</p> <p>25 or substance, whether schools ever fight allegations</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. No, that's fair.</p> <p>2 A. -- attempt to settle and compromise claim.</p> <p>3 Q. So you didn't get to -- you didn't need to</p> <p>4 get past the second sentence of the April 11th, 2018</p> <p>5 letter that's been marked as D-15 to realize Mr. Poulos</p> <p>6 was seeking payment from The Hill School, is that</p> <p>7 right?</p> <p>8 MR. JUBB: Object to form.</p> <p>9 THE WITNESS: Knowing he was seeking</p> <p>10 something. I assumed money. The last</p> <p>11 sentence makes that clear. Confirms what I</p> <p>12 would have assumed.</p> <p>13 BY MS. DOUGHERTY:</p> <p>14 Q. So you -- on April 21st, 2018, you weren't</p> <p>15 concerned that Mr. Poulos wanted a million dollars from</p> <p>16 you, is that right?</p> <p>17 A. That's correct.</p> <p>18 Q. But what -- and what prompted you to call Mr.</p> <p>19 Rees was to learn whether, in his experience, schools</p> <p>20 fight these things, I think you said?</p> <p>21 A. That was one of the -- I wanted to know -- I</p> <p>22 knew Mr. Rees. We had had -- I was in the school's</p> <p>23 administration before I left, so we had worked together</p> <p>24 prior. And I wanted to ask him questions about how</p> <p>25 this would proceed. And because my name was attached,</p>

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86 to 89

<p style="text-align: right;">Page 86</p> <p>1 I did ask -- I asked do schools ever fight these</p> <p>2 things.</p> <p>3 Q. What did Mr. Rees tell you?</p> <p>4 A. He told me how it would proceed. And that</p> <p>5 the school would be in contact, or had been, maybe.</p> <p>6 Would be in contact with Mr. Garabedian. There would</p> <p>7 be a third party investigation, which would involve --</p> <p>8 he told me then that I might receive a call from an</p> <p>9 attorney at Cozen O'Connor. He told me -- my</p> <p>10 impression -- well -- that was also, that he didn't</p> <p>11 believe these allegations. He couldn't -- I mean, he</p> <p>12 didn't tell me who all would be part of an</p> <p>13 investigation with Cozen O'Connor.</p> <p>14 I don't recall if he told me it would have</p> <p>15 been the administrators who were part of the school at</p> <p>16 the time that I was working there and these</p> <p>17 allegations. That time frame. Or if I just was aware</p> <p>18 that they would be. So that would have included the</p> <p>19 headmaster at that time, the associate headmaster at</p> <p>20 that time. And I don't know who else.</p> <p>21 He said schools generally don't fight these</p> <p>22 things. That they do the investigations and act</p> <p>23 according to what they learn from those investigations.</p> <p>24 He suggested that I might want to seek my own counsel</p> <p>25 at that time. I asked him why. He said that there</p>	<p style="text-align: right;">Page 88</p> <p>1 was the school's attorney, there could be charges filed</p> <p>2 and there could be a lawsuit. Anything else that you</p> <p>3 discussed with Mr. Rees or Mr. Rees told you when you</p> <p>4 called him on April 21st, 2018?</p> <p>5 A. No.</p> <p>6 Q. Why were you calling Mr. Rees to find out</p> <p>7 what would happen?</p> <p>8 A. Because he's the school's attorney, and I had</p> <p>9 a relationship with him, and in that capacity, it</p> <p>10 seemed like kind of the obvious person to me.</p> <p>11 Q. Why didn't you ask Mr. Lehman while you were</p> <p>12 meeting with him?</p> <p>13 A. Probably because I was, I don't know, in</p> <p>14 shock, or numb or processing it. And then --</p> <p>15 Q. I'm sorry, so how did the meeting with Mr.</p> <p>16 Lehman end?</p> <p>17 A. How did it end? I don't recall.</p> <p>18 Q. Just so I'm clear, you left without finding</p> <p>19 out what -- what the school was going to do with the</p> <p>20 letter, if anything?</p> <p>21 A. No. I -- I don't -- I don't recall what he</p> <p>22 said. I don't -- can't imagine he would have said</p> <p>23 nothing.</p> <p>24 Q. Well, didn't you want to know when he told</p> <p>25 you that someone had accused you of sexual -- let me</p>
<p style="text-align: right;">Page 87</p> <p>1 were three reasons. One was, what I already knew, and</p> <p>2 that was that he's the school's attorney and not mine.</p> <p>3 Was that if there were ever charges filed, I'd clearly</p> <p>4 need defense there. And if there was ever a lawsuit, I</p> <p>5 would need -- I would need my own counsel then. That's</p> <p>6 it. That I remember.</p> <p>7 THE VIDEOGRAPHER: Stand by. Change</p> <p>8 another chapter.</p> <p>9 MR. JUBB: We've been going for two</p> <p>10 hours. Let's take a bathroom break.</p> <p>11 MS. DOUGHERTY: Oh, yeah.</p> <p>12 THE VIDEOGRAPHER: Going off record.</p> <p>13 Time is 12:05.</p> <p>14 * * *</p> <p>15 (Whereupon, a short break was taken.)</p> <p>16 * * *</p> <p>17 THE VIDEOGRAPHER: Back on, 12:21.</p> <p>18 BY MS. DOUGHERTY:</p> <p>19 Q. So you called Mr. Rees and he told you how it</p> <p>20 would proceed. There would be a third party</p> <p>21 investigation. You might receive a call from an</p> <p>22 attorney at Cozen O'Connor. He didn't believe the</p> <p>23 allegations. You might be part of an investigation.</p> <p>24 Schools don't fight these things. And he suggested</p> <p>25 that you get a lawyer for three reasons: Because he</p>	<p style="text-align: right;">Page 89</p> <p>1 start again. Didn't you want to know what the school</p> <p>2 would do when you learned that a student had accused</p> <p>3 you of sexually molesting a student?</p> <p>4 A. Of course. And what I'm telling you is I</p> <p>5 don't recall all of that conversation, because I think</p> <p>6 reading or hearing it, which is -- I don't recall --</p> <p>7 again, I don't think I -- I know I didn't have it. So</p> <p>8 hearing the allegations, I think, overshadowed any</p> <p>9 recollection -- does overshadow any recollection of the</p> <p>10 specifics of that conversation. I can't tell you he</p> <p>11 didn't mention Cozen O'Connor. I can't tell you he</p> <p>12 did. As an example --</p> <p>13 Q. You're talking about Mr. Lehman.</p> <p>14 A. Yes.</p> <p>15 MR. MCCARRON: Can I just interrupt? We</p> <p>16 can't hear you. It's on mute.</p> <p>17 MS. DOUGHERTY: Can you hear us now?</p> <p>18 MR. MCCARRON: Yes. We were on mute</p> <p>19 until just then.</p> <p>20 MR. JUBB: And I think we also just need</p> <p>21 to clarify for the record that Jeffrey</p> <p>22 McCarron and Mr. Garabedian are also present</p> <p>23 for the deposition.</p> <p>24 MS. DOUGHERTY: Via Zoom.</p> <p>25 MR. JUBB: Via Zoom.</p>

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90 to 93

<p style="text-align: right;">Page 90</p> <p>1 MS. DOUGHERTY: Can you read back my</p> <p>2 question.</p> <p>3 * * *</p> <p>4 (Whereupon, the court reporter read from</p> <p>5 the record.)</p> <p>6 * * *</p> <p>7</p> <p>8 BY MS. DOUGHERTY:</p> <p>9 Q. So when you said you don't remember if Mr.</p> <p>10 Lehman told you about Cozen, you're talking about Mr.</p> <p>11 Lehman when you say you don't know if he told --</p> <p>12 A. Yes.</p> <p>13 Q. -- you about Cozen O'Connor, is that right?</p> <p>14 A. Right.</p> <p>15 Q. So Mr. Lehman -- it's Lehman, right?</p> <p>16 A. Lehman.</p> <p>17 Q. I keep saying --</p> <p>18 A. -- I believe.</p> <p>19 Q. -- it the wrong way.</p> <p>20 A. Yeah, I believe.</p> <p>21 Q. I'm probably going to keep saying it the</p> <p>22 wrong way, because I don't learn, but.</p> <p>23 A. Just don't mispronounce mine.</p> <p>24 Q. I don't think I've done that yet. But</p> <p>25 there's still time today. So after Mr. Lehman invited</p>	<p style="text-align: right;">Page 92</p> <p>1 I had to go process it. And so I don't recall the rest</p> <p>2 of that conversation. And I don't know how to -- all I</p> <p>3 can do is guess, and I don't want to do that.</p> <p>4 Q. Okay. So you don't remember how the meeting</p> <p>5 ended?</p> <p>6 A. I do not. I'm sure most of our meetings</p> <p>7 ended with me -- our shaking hands, but.</p> <p>8 Q. Well, is that how this meeting ended?</p> <p>9 A. I'm sure it did. I don't recall meeting with</p> <p>10 Zach that didn't end that way. Or a see you. It</p> <p>11 wasn't -- it wasn't adversarial. That wasn't my sense</p> <p>12 when I was there or since. Believing that, meaning</p> <p>13 that's how that meeting was.</p> <p>14 Q. No, my con --</p> <p>15 A. You're asking details and I'm telling you I</p> <p>16 don't remember those details of that meeting, because I</p> <p>17 had just been told I'd been accused of horrible crimes</p> <p>18 against a child.</p> <p>19 Q. Okay. You were told that and then</p> <p>20 immediately told the person telling you, Mr. Lehman,</p> <p>21 the headmaster of the school, didn't believe -- believe</p> <p>22 it, right?</p> <p>23 A. I'm telling you --</p> <p>24 MR. JUBB: Objection to the form.</p> <p>25 THE WITNESS: -- that's the sense I left</p>
<p style="text-align: right;">Page 91</p> <p>1 you into his office to talk about the letter, he told</p> <p>2 you about the letter and then -- and the content of the</p> <p>3 letter, and then you don't remember anything else about</p> <p>4 the meeting?</p> <p>5 A. Not much.</p> <p>6 Q. What do you remember?</p> <p>7 A. I mean, I remember him -- I remember feeling,</p> <p>8 when I left, that it was pretty clear that he didn't</p> <p>9 believe the content of the letter. And I can't, beyond</p> <p>10 that, tell you much.</p> <p>11 Q. And you don't remember whether you asked Mr.</p> <p>12 Lehman what the school was going to do in response to</p> <p>13 the letter, if anything?</p> <p>14 A. No. I don't recall.</p> <p>15 Q. When --</p> <p>16 A. And I'm -- because I do recall asking Mr.</p> <p>17 Rees, I'm guessing I didn't. But I don't know.</p> <p>18 Q. Didn't you care to know, as soon as you</p> <p>19 learned that a student had accused you of sexual --</p> <p>20 sexually molesting a student, what was going to happen?</p> <p>21 A. I don't know how to describe the change in</p> <p>22 every piece of thought process when you read something</p> <p>23 like this, or hear something like this attached to your</p> <p>24 name. Or your name attached to something like this. I</p> <p>25 heard him. I left believing he didn't believe it. And</p>	<p style="text-align: right;">Page 93</p> <p>1 with, yes. I don't remember his exact words.</p> <p>2 BY MS. DOUGHERTY:</p> <p>3 Q. Wasn't it important to you to learn what the</p> <p>4 school was going to do about the allegations by Mr.</p> <p>5 Poulos, as soon as you learned that the allegations had</p> <p>6 been made?</p> <p>7 A. Of course. As soon as I -- as soon as I</p> <p>8 digested the fact that the allegations had been made. I</p> <p>9 -- I -- I don't under -- I'm not sure what you're</p> <p>10 asking of -- when you ask why I didn't ask him and why</p> <p>11 I called the school's attorney. I don't understand</p> <p>12 what -- what you're asking me.</p> <p>13 Q. Well, I'm just trying to get my head around</p> <p>14 why when somebody told you, Mr. Lehman, the headmaster,</p> <p>15 someone in charge at The Hill School, told you that a</p> <p>16 student accused you of sexually molesting a student,</p> <p>17 you didn't immediately want to know what the school's</p> <p>18 going to do to defend your honor. What the school was</p> <p>19 going to do about the letter, if you believed the</p> <p>20 content to be false. You just left?</p> <p>21 A. I don't know what I can say to help you get</p> <p>22 your hands around it, then, because I've said what I</p> <p>23 believed when I left. I've said what I remember. And</p> <p>24 I can tell you what I did once -- once I processed it.</p> <p>25 I can tell you my relationship with Tom Rees was longer</p>

<p style="text-align: right;">Page 94</p> <p>1 running than my relationship with Zach.</p> <p>2 I know that Tom would have, anytime there</p> <p>3 were legal proceedings claimed against the school,</p> <p>4 would have been a part of it. And so I -- when I</p> <p>5 finally was ready to ask all of those questions, I</p> <p>6 called Tom. It's not an aversion to Zach Lehman. I</p> <p>7 called the guy that I knew best.</p> <p>8 Q. Okay. So you decided not to ask Mr. Lehman</p> <p>9 what the school's going to do about the April 11th,</p> <p>10 2018 letter? Instead to -- because you favored</p> <p>11 contacting Mr. Rees?</p> <p>12 MR. JUBB: Objection to the form. Asked</p> <p>13 and answered.</p> <p>14 THE WITNESS: I feel like you're putting</p> <p>15 words into my mouth out of context.</p> <p>16 BY MS. DOUGHERTY:</p> <p>17 Q. Well, then why did you tell me you had a</p> <p>18 longer relationship with Mr. Rees?</p> <p>19 A. Because I -- I did. And what I --</p> <p>20 Q. What does that have to do with what you --</p> <p>21 A. The context --</p> <p>22 Q. -- discussed with Mr. Lehman?</p> <p>23 A. -- the context was, when I left Mr. Lehman's</p> <p>24 office, I went and digested and processed what was</p> <p>25 there. And when I was ready -- what he had told me.</p>	<p style="text-align: right;">Page 96</p> <p>1 -- both parties with the idea of being --</p> <p>2 getting at the truth. And then when I got</p> <p>3 more specific questions, I called Tom. To</p> <p>4 ask specifically.</p> <p>5 BY MS. DOUGHERTY:</p> <p>6 Q. So when you left Mr. Lehman's office you</p> <p>7 believed that there would be an investigation and then</p> <p>8 called Mr. Rees to learn more detail about the</p> <p>9 investigation, is that right?</p> <p>10 MR. JUBB: Objection to the form.</p> <p>11 THE WITNESS: I called Mr. Rees for more</p> <p>12 information. It was not limited to an</p> <p>13 investigation into the allegations. It was</p> <p>14 the whole mess.</p> <p>15 BY MS. DOUGHERTY:</p> <p>16 Q. I think you mentioned that you weren't sure,</p> <p>17 or perhaps Mr. Lehman could have mentioned Cozen</p> <p>18 O'Connor to you. Was Cozen O'Connor known to you as a</p> <p>19 lawyer for the school before you talked to Mr. Rees?</p> <p>20 A. I don't believe that I've ever known Cozen</p> <p>21 O'Connor to be lawyers for the school.</p> <p>22 Q. Okay. What's your understanding of Cozen</p> <p>23 O'Connor's role?</p> <p>24 A. That they were -- they would -- they had</p> <p>25 participated in third party investigations. Probably</p>
<p style="text-align: right;">Page 95</p> <p>1 And when I was ready to ask further questions, I called</p> <p>2 Tom Rees, because I knew he would be a part of it.</p> <p>3 Q. Okay. So you didn't ask Mr. Lehman what the</p> <p>4 school was going to do about the April 11th, 2018</p> <p>5 letter, because you weren't ready to ask further</p> <p>6 questions?</p> <p>7 MR. JUBB: He has already answered this.</p> <p>8 That he can't recall anything after that.</p> <p>9 Please move on.</p> <p>10 MS. DOUGHERTY: Objection. Move to</p> <p>11 strike.</p> <p>12 BY MS. DOUGHERTY:</p> <p>13 Q. IS that right?</p> <p>14 MR. JUBB: Same objection. Asked and</p> <p>15 answered.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. DOUGHERTY:</p> <p>18 Q. What did you think was going to happen when</p> <p>19 you left Mr. Lehman's office?</p> <p>20 MR. JUBB: Same objection.</p> <p>21 THE WITNESS: I assumed, from my own</p> <p>22 experience and knowledge of being around</p> <p>23 schools my whole life, there would be an</p> <p>24 investigation. I assume, or assumed, that</p> <p>25 investigations were participated in by both</p>	<p style="text-align: right;">Page 97</p> <p>1 fairly recently. I can't tell you dates, of -- from</p> <p>2 what I know for certain is a student allegation with</p> <p>3 another student that took place off campus years</p> <p>4 before.</p> <p>5 Q. So you -- your understanding is that Cozen</p> <p>6 O'Connor participated in third party investigations</p> <p>7 relating to -- what?</p> <p>8 A. I guess any sexual allegations that took</p> <p>9 place regarding people involved at the school, whether</p> <p>10 it was student/student, faculty/student. I don't know</p> <p>11 what else it would be.</p> <p>12 Q. So you were -- let me start again. Is it</p> <p>13 correct that when you talked to Mr. Rees that was the</p> <p>14 first time you heard Cozen O'Connor's name, right?</p> <p>15 They were already participating in third party</p> <p>16 investigations?</p> <p>17 MR. JUBB: Objection.</p> <p>18 THE WITNESS: They had already done one,</p> <p>19 I'm sure.</p> <p>20 BY MS. DOUGHERTY:</p> <p>21 Q. Okay. So before you spoke to Mr. Rees on</p> <p>22 April 21st, 2018, you believed that Cozen O'Connor had</p> <p>23 already conducted a third party investigation?</p> <p>24 A. Yes. Because I believe the -- I can't tell</p> <p>25 you a date, but I'm pretty sure it was after I went to</p>

<p style="text-align: right;">Page 98</p> <p>1 work at the school -- back to work at the school. He</p> <p>2 sent a letter in which it was referenced that they had.</p> <p>3 And maybe -- yeah, I think it was after I went back. I</p> <p>4 know it was. I want to guess like November of '17,</p> <p>5 maybe.</p> <p>6 MS. DOUGHERTY: They're already marked</p> <p>7 D-1 and D-2. I'm sorry. They already have</p> <p>8 stickers. I'm going to use it as previously</p> <p>9 marked.</p> <p>10 BY MS. DOUGHERTY:</p> <p>11 Q. Let's start with D-2, if we could.</p> <p>12 A. Okay.</p> <p>13 Q. So I'm showing you a document that's been</p> <p>14 previously marked as D-2. It's dated April 23rd, 2016.</p> <p>15 It says a message from the headmaster, under The Hill</p> <p>16 School logo at the top of the first page.</p> <p>17 MS. DOUGHERTY: For those watching via</p> <p>18 Zoom it's my document number 24.</p> <p>19 BY MS. DOUGHERTY:</p> <p>20 Q. Have you seen the letter that I've marked as</p> <p>21 D-2 before I just showed it to you?</p> <p>22 A. Yes.</p> <p>23 Q. When did you first see the letter that's been</p> <p>24 marked as D-2?</p> <p>25 A. I can't tell you dates. It would have been</p>	<p style="text-align: right;">Page 100</p> <p>1 the e-mail that I want to direct your attention to</p> <p>2 starts in the middle of the first page. It says, from</p> <p>3 headmaster Zachary G. Lehman. And it's the -- this one</p> <p>4 is to Kurtis Poulos.</p> <p>5 THE WITNESS: Geez. I'm sorry.</p> <p>6 MS. DOUGHERTY: You okay? Oh, yeah.</p> <p>7 Let's go off the record for a moment.</p> <p>8 THE VIDEOGRAPHER: Going off the record.</p> <p>9 Time is 12:39.</p> <p>10 * * *</p> <p>11 (Whereupon, a short break was taken.)</p> <p>12 * * *</p> <p>13 THE VIDEOGRAPHER: Back on 12:44.</p> <p>14 BY MS. DOUGHERTY:</p> <p>15 Q. Are you all right now?</p> <p>16 A. I hope so.</p> <p>17 Q. All right. See we were looking at D-1. I</p> <p>18 was directing your attention to the e-mail in the</p> <p>19 middle of the page. You referenced something from</p> <p>20 November 20th, 2017. Is this what you're talking</p> <p>21 about?</p> <p>22 A. Yes.</p> <p>23 Q. So the e-mail from headmaster Zachary Lehman</p> <p>24 that says "Historical allegations of sexual abuse at</p> <p>25 The Hill".</p>
<p style="text-align: right;">Page 99</p> <p>1 after -- after April 11th, 2018. After April 21st,</p> <p>2 2018.</p> <p>3 Q. I'm sorry, so you didn't see the April 23rd,</p> <p>4 2016 letter that's been marked as D-2 until after April</p> <p>5 21st, 2018?</p> <p>6 A. Yes, ma'am. I didn't work for the school in</p> <p>7 April 23rd, '16.</p> <p>8 Q. Right. So the school -- the letter says,</p> <p>9 "Dear Hill School alumni and parents", right?</p> <p>10 A. Yes.</p> <p>11 Q. So you didn't see the April 23rd, 2016 letter</p> <p>12 that's been marked as D-2 after you were rehired by the</p> <p>13 school in July 2016?</p> <p>14 A. Not that I recall. No.</p> <p>15 Q. So the first time you saw the April 23rd,</p> <p>16 2016 letter is -- let me start again. Who -- how did</p> <p>17 you come to review the April 23rd, 2016 letter that's</p> <p>18 been marked as D-2 after April 21st, 2018?</p> <p>19 A. If I remember correctly, it's referenced in</p> <p>20 the 20 -- November 20th letter, perhaps.</p> <p>21 Q. Are you talking about D-1? Let me just</p> <p>22 identify it for the record.</p> <p>23 A. Yes.</p> <p>24 Q. D-1 is a document that was previously marked</p> <p>25 at another deposition. It's a series of e-mails, but</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Yes.</p> <p>2 Q. When -- so you received -- I realize the</p> <p>3 version you're looking at right now is an e-mail to</p> <p>4 Kurtis Poulos. But did you receive a copy of</p> <p>5 headmaster Zachary G. Lehman's --</p> <p>6 A. I would have at that point, yes.</p> <p>7 Q. -- November 20th, 2017 e-mail?</p> <p>8 A. Yes.</p> <p>9 Q. Did the e-mail go to all the faculty, or the</p> <p>10 students, do you know?</p> <p>11 A. I'm guessing it did. It certainly went to</p> <p>12 our office, because we worked with alumni.</p> <p>13 Q. Okay. So --</p> <p>14 A. And I would be surprised if it didn't go to</p> <p>15 Zachary as well, but.</p> <p>16 Q. Do you have a specific recollection of</p> <p>17 reading this e-mail, Historical Allegations of Sexual</p> <p>18 Abuse at the Hill, from Zachary Lehman on November</p> <p>19 20th, 2017?</p> <p>20 A. Not reading it on that day, I don't</p> <p>21 specifically remember.</p> <p>22 Q. Did you read it close in time to --</p> <p>23 A. Beg your pardon?</p> <p>24 Q. Did you -- did you read the e-mail from Mr.</p> <p>25 Lehman close in time to when you received it?</p>

<p style="text-align: right;">Page 102</p> <p>1 A. I would've --</p> <p>2 Q. -- November 20th, 2017?</p> <p>3 A. -- definitely -- I would've definitely read</p> <p>4 it when I received it. If I recall sitting down at my</p> <p>5 computer reading it, if that's what you're asking, the</p> <p>6 answer is no. I would have read it specifically,</p> <p>7 because of the -- one, I was an employee of the school</p> <p>8 and it came from the headmaster. Two, it was a time</p> <p>9 period where there were lots of -- not at the school,</p> <p>10 but culturally, Me Too. I was, am -- there was an</p> <p>11 incident referenced between a -- two students off</p> <p>12 campus at a party. And I can't recall which one of</p> <p>13 these --</p> <p>14 Q. Yeah, we'll get there.</p> <p>15 A. -- it was in. I knew of that incident</p> <p>16 because of Facebook. And a young woman that was</p> <p>17 involved in that also posted a, without naming names or</p> <p>18 her school, posted it on -- on her Facebook page. And</p> <p>19 we were friends and I'd been a teacher at the school</p> <p>20 when she was there, so I knew her.</p> <p>21 Q. Here's what I'm trying to learn. That you</p> <p>22 read the e-mail from Ms. Lehman --</p> <p>23 A. Yes, I did.</p> <p>24 Q. -- Historical Allegations of Sexual Abuse at</p> <p>25 The Hill in November 2017?</p>	<p style="text-align: right;">Page 104</p> <p>1 The Hill?</p> <p>2 A. The school was involved in a lawsuit of a</p> <p>3 former faculty member. Defamation. He had been</p> <p>4 terminated for allegations of sexual abuse. That was</p> <p>5 before I was employed there. The -- the -- his suit</p> <p>6 came as a result of apparent comments that were made in</p> <p>7 a faculty meeting. I wasn't there. It was prior to my</p> <p>8 employment. But the defamation suit went to trial in</p> <p>9 Philadelphia my first year. He was awarded a large</p> <p>10 award.</p> <p>11 There were mentions of it in faculty</p> <p>12 meetings, people not to talk about it. Of course I</p> <p>13 didn't know what it -- I mean, what it was. Didn't</p> <p>14 know any of the parties. And the -- the award by the</p> <p>15 court was very large. And then it was overturned in an</p> <p>16 appellant court.</p> <p>17 Q. Okay. So sometime before you worked at The</p> <p>18 Hill School a teacher had sex with a student, is that</p> <p>19 right?</p> <p>20 A. I didn't say that. I said alleged.</p> <p>21 Q. Okay.</p> <p>22 A. There were allegations filed again him. I</p> <p>23 have no idea.</p> <p>24 Q. Well, he was terminated for it, right?</p> <p>25 A. He was.</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Yes.</p> <p>2 Q. When you read the November 20th, 2017 e-mail</p> <p>3 from Mr. Lehman, Historical Allegations of Sexual Abuse</p> <p>4 at The Hill, is that the first time you learned of</p> <p>5 allegations of sexual abuse at The Hill?</p> <p>6 A. No.</p> <p>7 Q. When did you first learn of allegations of</p> <p>8 sexual abuse at The Hill?</p> <p>9 A. Would have been the school year of 1992, '93.</p> <p>10 Q. First year you worked at The Hill School?</p> <p>11 A. Yes.</p> <p>12 Q. What did you learn during the school year of</p> <p>13 1992 to 1993 related to sexual abuse at The Hill?</p> <p>14 MR. JUBB: Just -- objection to the</p> <p>15 form. Allegations of sexual abuse at The</p> <p>16 Hill.</p> <p>17 MS. DOUGHERTY: Did I say something</p> <p>18 else?</p> <p>19 MR. JUBB: You forgot the allegation</p> <p>20 words.</p> <p>21 MS. DOUGHERTY: Okay. Let me ask it</p> <p>22 again.</p> <p>23 BY MS. DOUGHERTY:</p> <p>24 Q. What did you learn during the 1992 to 1993</p> <p>25 school year regarding allegations of sexual abuse at</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. Okay. So before he --</p> <p>2 A. It's my understanding. I wasn't there.</p> <p>3 Q. I understand. So before you -- you learned</p> <p>4 -- how did you learn about -- how did you learn this</p> <p>5 information that a teacher had been terminated --</p> <p>6 A. I learned --</p> <p>7 Q. Hold on.</p> <p>8 A. I'm sorry.</p> <p>9 Q. How did you learn the information that</p> <p>10 a teacher had been terminated for sexual abuse?</p> <p>11 MR. JUBB: Objection to the form.</p> <p>12 THE WITNESS: It was in the context of</p> <p>13 the lawsuit he had brought against the</p> <p>14 school.</p> <p>15 BY MS. DOUGHERTY:</p> <p>16 Q. Did you read the lawsuit? Or did some</p> <p>17 teacher tell you in the faculty room? How -- how did</p> <p>18 you learn?</p> <p>19 A. It was -- periodically the headmaster at that</p> <p>20 time, or the associate headmaster at that time, would</p> <p>21 remind people not to talk about it. And maybe gave up</p> <p>22 dates and who it was.</p> <p>23 Q. Who was the headmaster at the time?</p> <p>24 A. Charles Watson.</p> <p>25 Q. So you learned of the teacher involved in the</p>

<p style="text-align: right;">Page 106</p> <p>1 alleged sexual abuse? Did you learn the identity of</p> <p>2 the teacher who was involved in the alleged sexual</p> <p>3 abuse and then sued the school?</p> <p>4 A. Yes.</p> <p>5 Q. Who was that teacher?</p> <p>6 A. His name was Wendell Chestnut.</p> <p>7 Q. And the alleged sexual abuse was between Mr.</p> <p>8 Chestnut and a student? Or Mr. Chestnut and --</p> <p>9 A. My understanding --</p> <p>10 Q. -- another faculty member?</p> <p>11 A. My understanding a student.</p> <p>12 Q. And then based on what you heard, or learned,</p> <p>13 Mr. Chestnut sued The Hill School because faculty</p> <p>14 members were talking about the alleged sexual abuse in</p> <p>15 faculty meetings?</p> <p>16 A. I have no idea what took place in the faculty</p> <p>17 meeting. I don't know.</p> <p>18 Q. I'm just asking your understanding of what</p> <p>19 you heard.</p> <p>20 A. That there was mention of it with his name in</p> <p>21 a faculty meeting. I have no idea what was said.</p> <p>22 Q. Yeah, he -- Mr. Chestnut -- your</p> <p>23 understanding is that Mr. Chestnut filed a defamation</p> <p>24 action against The Hill School, is that right?</p> <p>25 A. That is correct.</p>	<p style="text-align: right;">Page 108</p> <p>1 School, the only instance -- allegation of sexual abuse</p> <p>2 at The Hill that you learned information about was the</p> <p>3 circumstances with Mr. Chestnut, is that right?</p> <p>4 A. Correct.</p> <p>5 Q. Sometime after you left The Hill you learned</p> <p>6 additional information about allegations of sexual</p> <p>7 abuse at The Hill?</p> <p>8 A. Yes.</p> <p>9 Q. Tell me about that.</p> <p>10 A. It was no physical abuse. There was a man</p> <p>11 who was a tennis coach on the girls team who had made</p> <p>12 advances and sent e-mails to one of the players on his</p> <p>13 team. I was not there. I heard. And I know he was</p> <p>14 terminated.</p> <p>15 Q. How did you hear about it?</p> <p>16 A. I don't recall. I'm sure somebody probably</p> <p>17 told me.</p> <p>18 Q. Is this when you were at the Leelanau school?</p> <p>19 A. It is.</p> <p>20 Q. When did you learn that there had been</p> <p>21 inappropriate communications between a tennis coach and</p> <p>22 a female student?</p> <p>23 A. I don't -- I can't tell you what year that</p> <p>24 happened. It was not long after I left. But I can't</p> <p>25 tell you whether it was school year '09, '10, I can't</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. And your -- what you heard or came to learn</p> <p>2 is that Mr. Chestnut filed a defamation suit against</p> <p>3 The Hill School because of comments made about his</p> <p>4 termination for alleged sexual abuse, is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And your understanding is it went to trial,</p> <p>7 there was a large award, and then it was overturned?</p> <p>8 A. Yes. It was front page Philadelphia Inquirer</p> <p>9 news.</p> <p>10 Q. Were there -- were there other times that you</p> <p>11 learned information about allegations of sexual abuse</p> <p>12 at The Hill, other than the situation with Mr.</p> <p>13 Chestnut?</p> <p>14 A. Not in my tenure as a teacher.</p> <p>15 Q. Okay. How about when you returned in July of</p> <p>16 2016?</p> <p>17 MR. JUBB: Objection to the form of</p> <p>18 that.</p> <p>19 THE WITNESS: Prior to my return.</p> <p>20 BY MS. DOUGHERTY:</p> <p>21 Q. Okay. So you did -- so the -- when you were</p> <p>22 a teacher at Hill School from 1992 to 2009, is that</p> <p>23 right?</p> <p>24 A. Yes.</p> <p>25 Q. So when you were a teacher at The Hill</p>	<p style="text-align: right;">Page 109</p> <p>1 tell you. I don't remember.</p> <p>2 Q. Okay. So closer to 2009 then 2016?</p> <p>3 A. Yes.</p> <p>4 Q. Any other times that you learned about</p> <p>5 allegations of sexual abuse at The Hill, other than the</p> <p>6 circumstances with Mr. Chestnut and the tennis coach?</p> <p>7 A. Not involving a faculty member.</p> <p>8 Q. Okay. How about the allegations of sexual</p> <p>9 abuse not involving a faculty member? Tell me about</p> <p>10 that.</p> <p>11 A. The one that was posted on Facebook. Young</p> <p>12 woman, and, again, this was during Me Too, put up --</p> <p>13 put up a large post saying she had been -- she had lied</p> <p>14 about her weekend plans away from school, went to a</p> <p>15 party, had got drunk. She passed out and woke up when</p> <p>16 there was another student.</p> <p>17 Q. So a female student posted on Facebook that</p> <p>18 she was raped by a male student?</p> <p>19 A. Yes. Thank you for the word. Yes.</p> <p>20 Q. That -- was that posted on the young woman's</p> <p>21 Facebook page?</p> <p>22 A. Yes.</p> <p>23 Q. And you were Facebook friends with her?</p> <p>24 A. Yes.</p> <p>25 Q. Are you Facebook friends with other students?</p>

<p style="text-align: right;">Page 110</p> <p>1 A. Yes. Form -- Yes. Former students.</p> <p>2 Q. So the woman was a former student of yours?</p> <p>3 A. Yes.</p> <p>4 Q. And -- go ahead.</p> <p>5 A. Yes. I didn't -- when we say student -- or</p> <p>6 when I say student, I don't necessarily mean in my</p> <p>7 class. She was never a student in my class. I was the</p> <p>8 academic dean, director of studies. Oversaw academic</p> <p>9 schedules and student progress. I knew her in that</p> <p>10 capacity. And students would often see me for math</p> <p>11 extra help. And I'd be surprised if she wasn't one of</p> <p>12 those.</p> <p>13 Q. So this Facebook post, when did it happen?</p> <p>14 A. Wow. Dates I can't tell you. It was --</p> <p>15 Q. Were you teaching at the Leelanau School?</p> <p>16 A. It was the early Me Too period. I was not</p> <p>17 The Hill School. I was still at Leelanau.</p> <p>18 Q. And is it correct that the woman was</p> <p>19 recounting a rape that had occurred many years before</p> <p>20 when she was a student at The Hill School?</p> <p>21 A. Yes. Although she referred it to high</p> <p>22 school. But, again, she posted in general.</p> <p>23 Q. Just going back to D-1. If you go to the</p> <p>24 second page, at the bottom. It -- there's a paragraph</p> <p>25 -- looking at Garabedian 030. The last couple</p>	<p style="text-align: right;">Page 112</p> <p>1 student's room at night. It is not my understanding</p> <p>2 that there was any rape. My involvement was strictly</p> <p>3 to provide for -- I actually don't recall if it was the</p> <p>4 headmaster, it could have been Mr. Rees, the academic</p> <p>5 progress of the girl. Prior and post. A date they</p> <p>6 would have given me. That's the information I have on</p> <p>7 that.</p> <p>8 Q. So this circumstance occurred when you were a</p> <p>9 teacher or when you were back after --</p> <p>10 A. No. I was -- no, no, no, no. When I was the</p> <p>11 academic lead. So I was still there as a teacher. But</p> <p>12 with administrative duties. So my involvement with</p> <p>13 that was as a function of my administrative duties.</p> <p>14 Q. What year was that?</p> <p>15 A. I don't know. Early 2000's. I can't tell</p> <p>16 you specifically.</p> <p>17 Q. Okay. So in early 2000 a male student</p> <p>18 entered a female student's room and sexually assaulted</p> <p>19 her, but didn't rape her?</p> <p>20 A. I -- I -- actually I don't know if there was</p> <p>21 sexual assault. School -- it's -- it's strictly</p> <p>22 prohibited for him to be in the dorm. It's strictly</p> <p>23 prohibited to be outside of your own dorm after hours.</p> <p>24 If he went into her room uninvited, that would have</p> <p>25 been sufficient to create concern. I'm sure it's not</p>
<p style="text-align: right;">Page 111</p> <p>1 sentences of the last paragraph on the second page of</p> <p>2 D-1. It says, "Recently, as part of the Me Too</p> <p>3 movement, we learned of an account by an alumni who</p> <p>4 shared such an incident that occurred off campus in the</p> <p>5 late 1990's when she was a student and involved a male</p> <p>6 student at The Hill. "I immediately reached out to her</p> <p>7 and we have carefully reviewed that situation as well."</p> <p>8 So that commentary by Mr. Lehman is -- your</p> <p>9 understanding, refers to the young woman who posted on</p> <p>10 Facebook about it, is --</p> <p>11 A. Yes.</p> <p>12 Q. -- when she was a student at The Hill School?</p> <p>13 A. Yes.</p> <p>14 Q. Other than the situation with Mr. Chestnut,</p> <p>15 the tennis coach, the female student who posted about</p> <p>16 being raped on Facebook, do you have any other</p> <p>17 information about allegations of sexual abuse at The</p> <p>18 Hill?</p> <p>19 A. There was -- yes.</p> <p>20 Q. What other information do you have about</p> <p>21 allegations of sexual abuse at The Hill, other than the</p> <p>22 situation with Mr. Chestnut, the tennis coach and the</p> <p>23 young woman who posted on Facebook about being raped?</p> <p>24 A. It was, again, two students. This took place</p> <p>25 in a dormitory. A male student entered a female</p>	<p style="text-align: right;">Page 113</p> <p>1 strong enough --</p> <p>2 Q. So the female student didn't want him in the</p> <p>3 dorm room, is that right?</p> <p>4 A. Correct.</p> <p>5 Q. Whatever the --</p> <p>6 A. I can't --</p> <p>7 Q. -- details, you considered it to be related</p> <p>8 to allegations of sexual abuse, is that right?</p> <p>9 A. I don't know if the technical definition is</p> <p>10 sexual abuse. If it was my daughter I would have</p> <p>11 looked at that as -- probably I would have looked at</p> <p>12 that as abuse. So that's why I shared it with you.</p> <p>13 Q. Sure. What's your definition of sexual</p> <p>14 abuse?</p> <p>15 A. It would start -- well, I'd put harassment as</p> <p>16 some level of abuse. That would have -- if it's a</p> <p>17 scale. Certainly showing up in someone's room after</p> <p>18 lights out time at night would be closer in my own mind</p> <p>19 to abuse than harassment.</p> <p>20 Q. So you in your mind, sexual abuse includes</p> <p>21 using words to harass someone, not necessarily touching</p> <p>22 someone? I'm just asking how -- how you perceive it.</p> <p>23 A. In the context of student to student, I think</p> <p>24 -- if -- I believe that that student, and I don't</p> <p>25 recall what the outcome of that was, I would have felt</p>

<p style="text-align: right;">Page 114</p> <p>1 that it was warranted for him to be dismissed from</p> <p>2 school, because of -- simply because of where he was.</p> <p>3 If students are harassing publicly other students, I</p> <p>4 think that's part of what we're teaching in school, is</p> <p>5 how to -- how not to do that. To teach the intolerance</p> <p>6 for that.</p> <p>7 I believe there were -- I -- the reason I</p> <p>8 would say going into someone's room -- again, you ask</p> <p>9 about my mind -- going into someone's room at that</p> <p>10 hour, would -- the reason I would have that closer to</p> <p>11 abuse than harassment is because I think it suggests at</p> <p>12 least an intent of some kind. And, again, I'm talking</p> <p>13 about my interaction with students in a residential</p> <p>14 school.</p> <p>15 Q. Was the male student dismissed?</p> <p>16 A. I don't recall. Again, I was -- this -- I</p> <p>17 don't -- it would have happened in the spring. I know</p> <p>18 she was a senior. And I believe all the questions that</p> <p>19 came to me were after school had been dismissed. I</p> <p>20 can't tell you who the male student -- I don't even</p> <p>21 know if I was told who the male student was. I was</p> <p>22 asked specifically to provide information about the</p> <p>23 female student's grades.</p> <p>24 Q. And you were asked by Mr. Rees and the</p> <p>25 headmaster at the time?</p>	<p style="text-align: right;">Page 116</p> <p>1 BY MS. DOUGHERTY:</p> <p>2 Q. We can do it that way. Do you consider</p> <p>3 intimidation to be sexual abuse?</p> <p>4 A. Adult to child, yes. Child -- or adolescent</p> <p>5 to adolescent, I would have to see the content. But it</p> <p>6 would be one of those that is less -- I would have less</p> <p>7 tolerance for that even in children. Adolescent to</p> <p>8 adolescent.</p> <p>9 Q. Okay. So in your view, intimidation by a</p> <p>10 faculty member to a student would -- you would consider</p> <p>11 that sexual abuse?</p> <p>12 A. Intimidation?</p> <p>13 Q. Yes.</p> <p>14 A. If it was sexual intimidation. If it was</p> <p>15 intimidation by authority, absolutely not. I would</p> <p>16 consider it inappropriate, but it wouldn't be sexual</p> <p>17 abuse.</p> <p>18 Q. Okay. So if it was intimidation by an</p> <p>19 authority by a faculty member, to a student, that would</p> <p>20 just be abuse, right?</p> <p>21 A. It would be --</p> <p>22 MR. JUBB: Objection.</p> <p>23 THE WITNESS: -- abusive treatment.</p> <p>24 Certainly inappropriate.</p> <p>25 BY MS. DOUGHERTY:</p>
<p style="text-align: right;">Page 115</p> <p>1 A. It would have been one or the other. And I</p> <p>2 don't -- I can't tell you which one. For some reason</p> <p>3 my -- my memory is Tom, but I can't be absolutely</p> <p>4 certain of that. Rees. I'm sorry.</p> <p>5 Q. And the headmaster in the early 2000's was</p> <p>6 Dockerty, Dougherty?</p> <p>7 A. Dougherty.</p> <p>8 Q. Dougherty, okay. So your definition of</p> <p>9 sexual abuse includes harassment that doesn't involve</p> <p>10 touching. You just think that the punishment should be</p> <p>11 less.</p> <p>12 MR. JUBB: Objection to the form.</p> <p>13 BY MS. DOUGHERTY:</p> <p>14 Q. Is that right? I'm just asking your</p> <p>15 definition.</p> <p>16 A. I think, in dealing with adolescence, there</p> <p>17 are those opportunities within that spectrum that are</p> <p>18 opportunities to teach students, and there are those</p> <p>19 that cross some line that is not tolerable. That's not</p> <p>20 a hard line, because the level of intimidation is</p> <p>21 subjective. And intimidation and -- is -- is on that</p> <p>22 -- clearly on that spectrum. It pushes it away from</p> <p>23 just words.</p> <p>24 Q. Do you consider intimidation to be abuse?</p> <p>25 MR. JUBB: Sexual abuse?</p>	<p style="text-align: right;">Page 117</p> <p>1 Q. So you agree that the faculty members -- let</p> <p>2 me start again. So you agree that if a faculty member</p> <p>3 engaged in intimidating conduct to one of the students,</p> <p>4 that the faculty member was committing abuse?</p> <p>5 MR. JUBB: Objection to form.</p> <p>6 BY MS. DOUGHERTY:</p> <p>7 Q. I'm just asking you.</p> <p>8 A. I would -- I would have to look at the</p> <p>9 specifics.</p> <p>10 Q. Is there ever a time when it's appropriate</p> <p>11 for an adult to intimidate a child?</p> <p>12 MR. JUBB: Objection to the form.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MS. DOUGHERTY:</p> <p>15 Q. So then you agree that if a faculty member</p> <p>16 was intimidating a student, that that is abuse, right?</p> <p>17 MR. JUBB: Objection to the form.</p> <p>18 THE WITNESS: I think if a student is</p> <p>19 intimidated by a faculty member, that is</p> <p>20 different than a student -- a faculty member</p> <p>21 intimidating a student.</p> <p>22 BY MS. DOUGHERTY:</p> <p>23 Q. What's the difference?</p> <p>24 A. Adults, teachers, faculty members, are</p> <p>25 expected to maintain -- support the rules and values of</p>

<p style="text-align: right;">Page 118</p> <p>1 the school. And when students push that, those limits,</p> <p>2 and however they do, if they're engaged by a faculty</p> <p>3 member in the context of that, and they feel</p> <p>4 intimidated because now they're going to go to the</p> <p>5 dean's office, and they're intimidated by the position,</p> <p>6 or the people there, that's not abusive at all.</p> <p>7 If a teacher intentionally speaks down to and</p> <p>8 condescends to a student and tries to manipulate their</p> <p>9 behavior in a way to meet their own goals, I consider</p> <p>10 that abusive.</p> <p>11 Q. You said if a teacher speaks down to a</p> <p>12 student or manipulates the students for the teacher's</p> <p>13 own goals, that's abuse? In your view.</p> <p>14 MR. JUBB: Abusive.</p> <p>15 THE WITNESS: It's abusive.</p> <p>16 BY MS. DOUGHERTY:</p> <p>17 Q. Abusive. Well, what's the difference between</p> <p>18 abuse and abusive?</p> <p>19 A. I mean, I can be very literal and say I think</p> <p>20 it's abusive to threaten a child. It's actually</p> <p>21 physical abuse to strike them. Or anybody, for that</p> <p>22 matter. Threatening, in my opinion, is abusive.</p> <p>23 Acting on threats is abuse.</p> <p>24 Q. In your experience at The Hill School, did</p> <p>25 the Hill School tolerate abusive conduct by teachers</p>	<p style="text-align: right;">Page 120</p> <p>1 A. I think a teacher can touch a student without</p> <p>2 a student ask -- without asking a student. I think if</p> <p>3 the student makes it clear that they don't want to be</p> <p>4 touched, and the teacher continues to do it, that</p> <p>5 probably is likely to be that. But I think a teacher</p> <p>6 casually putting their arm around a student to get them</p> <p>7 back in line, or touching them on a shoulder to quiet</p> <p>8 them in an environment where they should be quiet,</p> <p>9 whether's it's chapel or dining hall during</p> <p>10 announcements, I don't think that is abusive at all.</p> <p>11 I think that's being a good parent model.</p> <p>12 And boarding school teachers are considered in loco</p> <p>13 parentis.</p> <p>14 Q. Other than the situation with Mr. Chestnut,</p> <p>15 the tennis coach, the young woman who posted on</p> <p>16 Facebook about being raped, and the incident with the</p> <p>17 two students in the dormitory, do you have any other</p> <p>18 information about allegations of sexual abuse at The</p> <p>19 Hill?</p> <p>20 A. No. I'm sorry. I do. My son's sixth form</p> <p>21 year. There was a case of statutory rape. A sixth</p> <p>22 form -- a senior boy and a ninth grade girl. Jesus.</p> <p>23 Wow. How could I forget that.</p> <p>24 MR. JUBB: He said Judas, not Jesus.</p> <p>25 BY MS. DOUGHERTY:</p>
<p style="text-align: right;">Page 119</p> <p>1 directed to students?</p> <p>2 A. I don't think so.</p> <p>3 Q. Okay. So just because conduct is abusive, as</p> <p>4 compared to abuse, involving striking a student,</p> <p>5 doesn't mean it's a lesser level of offense by the</p> <p>6 faculty member, right?</p> <p>7 A. The response may be different. So if you</p> <p>8 consider lesser -- lesser as a -- based on the</p> <p>9 response, then I think the response could be different.</p> <p>10 If you have a young teacher who's verbally abusive to a</p> <p>11 student, or is trying to get them to behave in a</p> <p>12 certain manner, in a way that's not acceptable,</p> <p>13 conversation with the appropriate administrator is</p> <p>14 a perfectly reasonable response. If a teacher lays a</p> <p>15 hand on a student, that would render a very different</p> <p>16 response.</p> <p>17 Q. Okay. So in your view it's never appropriate</p> <p>18 for a teacher to touch a student uninvited, is that</p> <p>19 right?</p> <p>20 MR. JUBB: I'll object to the form.</p> <p>21 THE WITNESS: No. I don't agree with</p> <p>22 that.</p> <p>23 BY MS. DOUGHERTY:</p> <p>24 Q. You think it's okay for a teacher to touch a</p> <p>25 student when a student doesn't agree to be touched?</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. Okay. So a senior and a freshman?</p> <p>2 A. Yes. So she was not of age of consent, and</p> <p>3 he was 18.</p> <p>4 Q. And you were a teacher at The Hill School at</p> <p>5 the time, right?</p> <p>6 A. Yes.</p> <p>7 Q. And was the male student dismissed?</p> <p>8 A. He was.</p> <p>9 Q. As it relates to the young woman who posted</p> <p>10 about rape on Facebook, do you know whether there were</p> <p>11 any consequences for the person who raped the young</p> <p>12 woman?</p> <p>13 A. I don't, officially. I think I've heard that</p> <p>14 just -- he was a pretty involved and popular kid, and</p> <p>15 so just through conversation with faculty members, he</p> <p>16 has been distanced from the school. Whether he did</p> <p>17 that or the school did that, I don't know.</p> <p>18 Q. What about the tennis coach?</p> <p>19 A. He was dismissed. Terminated immediately.</p> <p>20 Q. For writing text messages with sexual</p> <p>21 content?</p> <p>22 A. Beg your pardon?</p> <p>23 Q. For writing text messages --</p> <p>24 A. I don't know.</p> <p>25 Q. -- with sexual content?</p>

<p style="text-align: right;">Page 122</p> <p>1 A. It was certainly advancing content. I don't</p> <p>2 know if they were sexual or not.</p> <p>3 Q. Okay. Other than Mr. -- the situation with</p> <p>4 Mr. Chestnut, the tennis coach, the young woman who</p> <p>5 posted about being raped on Facebook, the two students</p> <p>6 in the dormitory, and the statutory rape in your son's</p> <p>7 sixth form year, do you have any other information</p> <p>8 regarding allegations of sexual abuse at The Hill?</p> <p>9 A. I don't think so.</p> <p>10 Q. So D-1. Again, back -- back to that. On the</p> <p>11 first page. It's this one. It has e-mails at the top.</p> <p>12 (Indicating.)</p> <p>13 A. Yeah.</p> <p>14 Q. So Mr. Lehman wrote, in the second paragraph</p> <p>15 of his e-mail, which starts on the bottom of the first</p> <p>16 page of D-1, "At that time with" -- you know what,</p> <p>17 before we do that. Do you have a copy of the November</p> <p>18 20th, 2017 e-mail that you received from Mr. Lehman?</p> <p>19 A. I don't. It would have been by e-mail. And</p> <p>20 when I was terminated I lost access to all of that. So</p> <p>21 I do not.</p> <p>22 Q. So you --</p> <p>23 A. Oh, wait a minute. So, yeah, yeah, yeah. So</p> <p>24 it would have been in my e-mail. Sorry. I was looking</p> <p>25 at dates. I said I was working there. The question is</p>	<p style="text-align: right;">Page 124</p> <p>1 at The Hill, is that right?</p> <p>2 A. Yeah.</p> <p>3 Q. And the paragraph continues, "As headmaster,</p> <p>4 I thought it was important to understand more about the</p> <p>5 school's history. The Board and I also felt it was</p> <p>6 imperative that the review be external, objective, and</p> <p>7 informed by the appropriate expertise. Accordingly, we</p> <p>8 engaged Leslie Gomez and Gina Smith of Cozen O'Connor,</p> <p>9 child protection experts nationally recognized for</p> <p>10 their experience in this area, their objectivity and</p> <p>11 their candor.</p> <p>12 So is it correct that as of the time you read</p> <p>13 the November 20th, 2017 e-mail, is when you learned</p> <p>14 that Cozen O'Connor was involved in performing third</p> <p>15 party investigations?</p> <p>16 A. Yes.</p> <p>17 Q. Did you know that Cozen O'Connor was involved</p> <p>18 in performing third party investigations for The Hill</p> <p>19 school prior to receipt of the November 20th, 2017</p> <p>20 e-mail?</p> <p>21 A. I don't believe so, no.</p> <p>22 Q. So it's your understanding that Cozen</p> <p>23 O'Connor wasn't hired in reaction to Mr. Poulos's</p> <p>24 allegations, is that right?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 123</p> <p>1 would I have a copy. It would be in my e-mail.</p> <p>2 Q. Right. Okay. So you believe you received</p> <p>3 Mr. Lehman's e-mail to your work e-mail address at The</p> <p>4 Hill?</p> <p>5 A. Yeah.</p> <p>6 Q. Which you no longer have access to?</p> <p>7 A. Correct.</p> <p>8 Q. And you didn't print a copy of the November</p> <p>9 20th, 2017 e-mail?</p> <p>10 A. No. Not that -- I don't think so.</p> <p>11 Q. Okay. So now back to the first page, bottom.</p> <p>12 A. Okay.</p> <p>13 Q. Second paragraph. "At that time, with the</p> <p>14 unanimous support of the Board of Trustees, I initiated</p> <p>15 a review of historical allegations of abuse at The</p> <p>16 Hill, and the school's response to those allegations.</p> <p>17 This was a proactive review by the school, not</p> <p>18 initiated by any complaint." Did you read that</p> <p>19 paragraph when you received the November 20th, 2017</p> <p>20 e-mail from Mr. Lehman?</p> <p>21 A. I'm sure I did.</p> <p>22 Q. So at least as of the time you read the</p> <p>23 November 20th, 2017 e-mail from Mr. Lehman, you knew</p> <p>24 that the school had already initiated its, on accord,</p> <p>25 an investigation into historical allegations of abuse</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. The following paragraph is the third</p> <p>2 paragraph of the e-mail, but the second -- or the first</p> <p>3 full paragraph on the second page of D-1. "Through the</p> <p>4 review, we learned of several troubling incidents in</p> <p>5 The Hill School's history. Those incidents involve</p> <p>6 conduct several decades ago by a small number of</p> <p>7 faculty members, none of whom have been associated with</p> <p>8 The Hill for many years, and one of whom is deceased.</p> <p>9 Do you know who Mr. Lehman was referring to?</p> <p>10 A. Only the one. From 19 -- Mr. Chestnut.</p> <p>11 That's the only one I would have known.</p> <p>12 Q. Is he the one who's dead?</p> <p>13 A. I don't believe so. I don't think he is.</p> <p>14 But I don't know.</p> <p>15 Q. Okay. So you don't know what incidents Mr.</p> <p>16 Lehman is referencing in this paragraph?</p> <p>17 A. I don't.</p> <p>18 Q. If we can go to the third page of D-1. Top</p> <p>19 paragraph. Mr. Lehman wrote, "I extend an invitation</p> <p>20 to any Hill School community member who wishes to share</p> <p>21 his or her experiences with the school, or, if</p> <p>22 appropriate, with law enforcement. I also encourage</p> <p>23 any students, parents, alumni, or staff to reach out</p> <p>24 directly to the school to share your observations and</p> <p>25 feedback."</p>

<p style="text-align: right;">Page 126</p> <p>1 So is it your understanding that at least as</p> <p>2 of November 20th, 2017, The Hill School was inviting</p> <p>3 Hill School community members to report allegations of</p> <p>4 sexual abuse?</p> <p>5 A. Yes.</p> <p>6 Q. When you learned about the April 11th, 2018</p> <p>7 letter detailing Mr. Poulos's allegations, did you</p> <p>8 believe that Mr. Poulos's letter was sent in response</p> <p>9 to the invitation by Mr. Lehman in November of 2017 to</p> <p>10 report allegations of sexual abuse?</p> <p>11 MR. JUBB: Object to the form.</p> <p>12 THE WITNESS: I -- I don't think I ever</p> <p>13 considered it. I don't know.</p> <p>14 BY MS. DOUGHERTY:</p> <p>15 Q. But you at least knew that the school was</p> <p>16 proactively pursuing and investigating allegations of</p> <p>17 sexual abuse, even if the allegations were from decades</p> <p>18 in the past, is that right?</p> <p>19 A. I did understand that, yes.</p> <p>20 Q. I'm sorry if you already answered this, but</p> <p>21 was it the November 20th, 2017 e-mail that prompted you</p> <p>22 to look for and read the April 23rd, 2016 letter which</p> <p>23 was marked as D-2?</p> <p>24 A. In all likelihood, yes.</p> <p>25 Q. Because the November 20, 2017 --</p>	<p style="text-align: right;">Page 128</p> <p>1 we did it my first couple years.</p> <p>2 Q. Okay. Let's clarify. So in -- how about in</p> <p>3 July 2000 -- after you rejoined the school, July 2016,</p> <p>4 did you then participate in the annual training</p> <p>5 relating to policies on harassment and abuse?</p> <p>6 A. I -- I did not.</p> <p>7 Q. Okay. So when you say first, you're talking</p> <p>8 about in 1992, 1993?</p> <p>9 A. Yes.</p> <p>10 Q. So you participated in training in 1992 or</p> <p>11 1993 regarding policies on harassment and abuse?</p> <p>12 A. We had -- we didn't have -- at that point I</p> <p>13 don't believe there were ever experts brought in to</p> <p>14 talk about it. It was discussed in open faculty</p> <p>15 meetings. It would have been addressed in new faculty</p> <p>16 orientation. But I don't think there were experts at</p> <p>17 that point. We did, then, start to do that. Bring in</p> <p>18 people who were trained in harassment to help -- help</p> <p>19 people understand that harassment -- what it is.</p> <p>20 And to keep our eyes open regarding students,</p> <p>21 what it is. And also what behavior can't be tolerated</p> <p>22 in adults. After -- after the statutory rape case, we</p> <p>23 started to have -- I think there are lots of people who</p> <p>24 don't really understand what that is. And so we</p> <p>25 started to have -- that became a part of protocol as</p>
<p style="text-align: right;">Page 127</p> <p>1 A. Right.</p> <p>2 Q. -- e-mail referenced it?</p> <p>3 A. Right.</p> <p>4 Q. So the November 20th, 2017 e-mail made you</p> <p>5 curious to go look to see --</p> <p>6 A. Yes.</p> <p>7 Q. -- what would have been announced? If you</p> <p>8 can go back to D-2. If I can just direct your</p> <p>9 attention to the second paragraph in the middle of the</p> <p>10 page. Or in the middle of the paragraph. It says,</p> <p>11 "We" -- this is, again, a letter from the headmaster,</p> <p>12 Mr. Lehman, April 23rd, 2016. Mr. Lehman wrote, "We</p> <p>13 also provide annual training to all employees regarding</p> <p>14 our own policies on harassment and abuse, and how to</p> <p>15 identify and report any issues at the earliest possible</p> <p>16 stage.</p> <p>17 Did you ever participate in an annual</p> <p>18 training regarding the school's policy on harassment</p> <p>19 and abuse and how to identify and report any issues?</p> <p>20 A. Yes.</p> <p>21 Q. Is that something that did happen annually?</p> <p>22 A. Something that did?</p> <p>23 Q. Did happen annually?</p> <p>24 A. I believe it must have. I don't -- I can't</p> <p>25 tell you when we started doing that. I don't know that</p>	<p style="text-align: right;">Page 129</p> <p>1 well. I don't -- I'm -- so.</p> <p>2 Q. Well, just so I understand what Mr. -- it</p> <p>3 sounds to me like The Hill School had a policy about</p> <p>4 harassment and abuse when you started in 1992, 1993.</p> <p>5 And you learned about it, right? I'm trying to -- what</p> <p>6 Mr. Lehman described here, I'm trying to learn if you</p> <p>7 ever participated in anything like he --</p> <p>8 A. And I --</p> <p>9 Q. -- that he described?</p> <p>10 A. Sorry.</p> <p>11 Q. So, yes, you have?</p> <p>12 A. I have not.</p> <p>13 Q. So it sounds like that the annual training</p> <p>14 that Mr. Lehman was describing, in that sentence that I</p> <p>15 read to you, something that was instituted after 2009,</p> <p>16 right?</p> <p>17 A. Well, whatever Mr. Lehman instituted would</p> <p>18 have started well after I left. He started, I believe,</p> <p>19 in 2014. David Dougherty was the headmaster when I</p> <p>20 left. I can't tell you what time frame Mr. Lehman is</p> <p>21 talking about in that letter. But any -- anything he's</p> <p>22 instituted did not include me.</p> <p>23 Q. Right. He just says we. He doesn't even --</p> <p>24 A. Right.</p> <p>25 Q. -- take credit for it. So it's the annual</p>

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<p style="text-align: right;">Page 130</p> <p>1 training that Mr. Lehman described in his April 23rd,</p> <p>2 2016 letter is not something that existed prior to</p> <p>3 2009, when you were a teacher at The Hill School,</p> <p>4 right?</p> <p>5 A. No, I said it did.</p> <p>6 Q. It did. Okay.</p> <p>7 A. I can't tell you when. I don't believe there</p> <p>8 was formal, other than headmaster or associate</p> <p>9 headmaster speaking prior to David Dougherty. David</p> <p>10 Dougherty formalized a lot of things that were</p> <p>11 happening at the school in his tenure. I can't -- I</p> <p>12 don't know what year we first had someone come in from</p> <p>13 the outside and address us.</p> <p>14 Q. Okay. So sometime before you stopped working</p> <p>15 for The Hill School as a teacher, you did receive</p> <p>16 annual training like what Mr. Lehman described in the</p> <p>17 letter --</p> <p>18 A. Yes.</p> <p>19 Q. -- reflected in D-2, is that right?</p> <p>20 A. Yes.</p> <p>21 Q. You just can't remember when?</p> <p>22 A. I don't know when it started. And I can tell</p> <p>23 you when it would have happened within the course of a</p> <p>24 year.</p> <p>25 Q. Okay. After the statutory rape?</p>	<p style="text-align: right;">Page 132</p> <p>1 could equate it to --</p> <p>2 A. No.</p> <p>3 Q. -- a year. Okay. So the next paragraph, in</p> <p>4 the middle, Mr. Lehman is describing a vigorous</p> <p>5 protocol.</p> <p>6 A. Where are we?</p> <p>7 Q. Still on D-2.</p> <p>8 A. Third line down?</p> <p>9 Q. Yeah. Third line down.</p> <p>10 A. Okay.</p> <p>11 Q. Second sentence, "We want you to know that</p> <p>12 The Hill School has a rigorous protocol in place",</p> <p>13 right? It continues to describe the protocol. It says</p> <p>14 "Includes promptly reporting any suspected incidents of</p> <p>15 misconduct to ChildLine, Pennsylvania's investigative</p> <p>16 resource concerning alleged child abuse or neglect."</p> <p>17 A. Okay.</p> <p>18 Q. Do you know if a report was made to ChildLine</p> <p>19 regarding Mr. Poulos's allegations?</p> <p>20 A. I do not know.</p> <p>21 Q. So basically your testimony is you use social</p> <p>22 media?</p> <p>23 A. I do.</p> <p>24 Q. When did you start using social media?</p> <p>25 A. 2009. When I left The Hill School.</p>
<p style="text-align: right;">Page 131</p> <p>1 A. No. That was -- that actually -- they</p> <p>2 started very specifically including students who would</p> <p>3 turn 18 during the school year. That -- that actually</p> <p>4 happened in the 2005, 2006 school year. That I know</p> <p>5 would have happened. Just so students and even faculty</p> <p>6 members would be clear what statutory rape is. A kid</p> <p>7 -- a kid -- a -- a young man who doesn't know what</p> <p>8 statutory rape or age of consent is can take she said</p> <p>9 okay as permission where -- and not understand that</p> <p>10 she's not able to say that.</p> <p>11 Q. Right. So --</p> <p>12 A. So that would have been when, for sure,</p> <p>13 students became involved.</p> <p>14 Q. So when you say that you can say within a</p> <p>15 year, do you mean like in 2004 --</p> <p>16 A. Oh. No, no, no, no.</p> <p>17 Q. -- that's when the annual training --</p> <p>18 A. I mean within the course of a school year --</p> <p>19 Q. Okay.</p> <p>20 A. -- the time periods during that school year</p> <p>21 where we -- if we -- when we were doing that, which</p> <p>22 time periods it might have been during.</p> <p>23 Q. I understand. I misunderstood.</p> <p>24 A. I'm sorry.</p> <p>25 Q. I thought -- I thought you were saying you</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. So you're on Facebook?</p> <p>2 A. Yes.</p> <p>3 Q. Is your Facebook page public?</p> <p>4 A. No. I can't tell you the settings to know</p> <p>5 what a nonfriend can --</p> <p>6 Q. So you're friends with former students, is</p> <p>7 that right?</p> <p>8 A. I am.</p> <p>9 Q. And by former students, you're not</p> <p>10 restricting your answer just to --</p> <p>11 A. Students.</p> <p>12 Q. -- former students that you taught. You're</p> <p>13 talking about former students of The Hill School, is</p> <p>14 that correct?</p> <p>15 A. Yes, ma'am.</p> <p>16 Q. How many former students of The Hill School</p> <p>17 are you friends with on Facebook?</p> <p>18 A. Wow. I don't know. But a lot. I'm sure</p> <p>19 it's in the -- it's well over a hundred. It's probably</p> <p>20 -- I don't know.</p> <p>21 Q. What name do you use on Facebook?</p> <p>22 A. Matt Ralston. I think.</p> <p>23 Q. So if I wanted to find your Facebook page I</p> <p>24 would search for Matt Ralston?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 134</p> <p>1 Q. In Columbus, Ohio?</p> <p>2 A. It's one of those things I don't know if it's</p> <p>3 in there.</p> <p>4 Q. Are you friends with Mr. -- let me start</p> <p>5 again. Are you Facebook friends with Mr. Poulos?</p> <p>6 A. No.</p> <p>7 Q. What other types of social media do you use,</p> <p>8 other than Facebook, if any?</p> <p>9 A. I have an Instagram account, but I follow</p> <p>10 probably four people. My sons and their better --</p> <p>11 well, their other halves. And then I follow some --</p> <p>12 actually, I don't follow -- I do follow one page on</p> <p>13 there. It's Harley Davidson. And that's about it. I</p> <p>14 don't post on Instagram. I don't really post on</p> <p>15 Facebook.</p> <p>16 Q. Do you have a personal e-mail address?</p> <p>17 A. I do.</p> <p>18 Q. What's your personal e-mail address?</p> <p>19 A. M-A-T-T-R 557. And that's G-mail.</p> <p>20 Q. How long have you used the mattr557@gmail.com</p> <p>21 email address?</p> <p>22 A. I'm not sure, but it's probably about the</p> <p>23 same time, 2009. And it may be after that a little</p> <p>24 bit.</p> <p>25 Q. Do you have any other e-mail address that you</p>	<p style="text-align: right;">Page 136</p> <p>1 A. I don't know. Mid/late '90s somewhere.</p> <p>2 Q. Have you used any other e-mail address for</p> <p>3 personal e-mail?</p> <p>4 A. No.</p> <p>5 Q. And so when you were at The Hill School from</p> <p>6 July 2016 to October 2019 what e-mail address did you</p> <p>7 use?</p> <p>8 A. For?</p> <p>9 Q. At The Hill School?</p> <p>10 A. For The Hill School?</p> <p>11 Q. Yes.</p> <p>12 A. mralsto@thehill.org.</p> <p>13 Q. Is that the same e-mail address you used when</p> <p>14 you were a teacher at The Hill School?</p> <p>15 A. It is.</p> <p>16 Q. And then back to April 21st, 2018. So you</p> <p>17 spoke to Mr. Rees on the telephone. And what did you</p> <p>18 do?</p> <p>19 A. I don't know that I spoke to him on the 21st.</p> <p>20 It was soon thereafter. Very well could have been the</p> <p>21 21st. What did I do afterwards?</p> <p>22 Q. Let's just -- let me just clarify that. I</p> <p>23 thought you told me you that had your meeting with Mr.</p> <p>24 Lehman?</p> <p>25 A. I did. Called my wife.</p>
<p style="text-align: right;">Page 135</p> <p>1 use, other than --</p> <p>2 A. I do.</p> <p>3 Q. mattr557 --</p> <p>4 A. There's a Yahoo account. And That's R-A-L-S</p> <p>5 92. And that's why I can't -- I don't use that for</p> <p>6 personal e-mail. I use it for junk. But it was</p> <p>7 personal in -- I don't know, when I first got e-mail.</p> <p>8 Q. So that's what you used before 2009 when you</p> <p>9 started using mattr557@gmail.com?</p> <p>10 A. I would have used The Hill School address.</p> <p>11 Q. Before we get there, when did you use the</p> <p>12 rals92@yahoo.com address?</p> <p>13 A. Yes.</p> <p>14 Q. When?</p> <p>15 A. When did I start or stop?</p> <p>16 Q. Let's go with stop.</p> <p>17 A. It would be when I opened the gmail account.</p> <p>18 And that's the influence of my sons. And I -- I can't</p> <p>19 tell you exactly. I know Facebook was 2009. I --</p> <p>20 because it's when I left the school. I had a friend</p> <p>21 who said I'm going to want that, because it will help</p> <p>22 people get a hold of me. Gmail might have been a</p> <p>23 little after that, but it's right in there somewhere.</p> <p>24 Q. Okay. When did you start using the Yahoo</p> <p>25 address?</p>	<p style="text-align: right;">Page 137</p> <p>1 Q. You went home. Or went to the place where</p> <p>2 you were staying on campus, you called your wife and</p> <p>3 then you called Mr. Rees.</p> <p>4 A. I think what I said, my next call regarding</p> <p>5 this would have been Mr. Rees.</p> <p>6 Q. Okay.</p> <p>7 A. And I -- because I -- I actually think it was</p> <p>8 a Friday. Not a Thursday. It probably was the same --</p> <p>9 if it was a Friday, it would have been the same day. I</p> <p>10 wouldn't have -- I wouldn't have -- it's not me to wait</p> <p>11 through the weekend with that.</p> <p>12 Q. Okay. So you think it's either the same day</p> <p>13 or the next business day?</p> <p>14 A. Yes. If it wasn't -- it wasn't the Friday,</p> <p>15 it was the Monday.</p> <p>16 Q. Did you do anything else on April 21st, 2018</p> <p>17 regarding the letter relating to Mr. Poulos's</p> <p>18 allegations?</p> <p>19 A. Well, it was --</p> <p>20 Q. I'm just asking you --</p> <p>21 A. -- it --</p> <p>22 Q. Hold on a second.</p> <p>23 A. Okay.</p> <p>24 Q. I'm just asking you about the day when you</p> <p>25 had the meeting with Mr. Lehman and you first learned</p>

<p style="text-align: right;">Page 138</p> <p>1 that the letter existed and you received the letter.</p> <p>2 Did you do anything else, other than your meeting Mr.</p> <p>3 Lehman, speak to your wife, read the letter, did you do</p> <p>4 anything else on that day relating to Mr. Poulos's</p> <p>5 allegations?</p> <p>6 A. Yes.</p> <p>7 Q. What?</p> <p>8 A. Chris Chirieleison. I can spell that for</p> <p>9 you.</p> <p>10 Q. Yeah.</p> <p>11 A. C-H-I-R -- I got to get the I-E. Let's see.</p> <p>12 Q. Spoke too soon.</p> <p>13 A. E-I-S-O-N. I don't know.</p> <p>14 MR. JUBB: It's in the disclosure.</p> <p>15 BY MS. DOUGHERTY:</p> <p>16 Q. Okay. Go ahead.</p> <p>17 A. Chris --</p> <p>18 Q. It's a he, right?</p> <p>19 A. He, I'm sorry.</p> <p>20 Q. Let's just call him Chris.</p> <p>21 A. He and I have been friends since 1992. He</p> <p>22 left the school somewhere in the late '90s. We've been</p> <p>23 in touch since. Our relationship is deeply personal.</p> <p>24 He was the sponsor of our oldest son. He was the dean</p> <p>25 of students during those years. Or he may have been in</p>	<p style="text-align: right;">Page 140</p> <p>1 office. The development office.</p> <p>2 Q. So after you got the e-mail from Mr. Lehman</p> <p>3 that included the letter, you then went to the office</p> <p>4 and printed it and then went to Chris?</p> <p>5 A. I did print a copy, yes. Yes.</p> <p>6 Q. Okay. You gave Chris a copy of --</p> <p>7 A. I did not give him a copy. I shared the copy</p> <p>8 I had with him.</p> <p>9 Q. Okay. So you gave your copy of the April</p> <p>10 11th, 2018 letter to Chris for him to read, is that</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And this is on April 21st, 2018?</p> <p>14 A. Or the next morning.</p> <p>15 Q. Or the next morning. Okay. And then what</p> <p>16 did Chris say? When you shared the letter with him?</p> <p>17 A. Something -- I think I remember exactly. He</p> <p>18 said he wasn't going to give the dignity of finishing</p> <p>19 it, because he knows there is no fact to it. Not --</p> <p>20 that it's -- may I use his word?</p> <p>21 Q. Sure.</p> <p>22 A. It's bullshit.</p> <p>23 Q. Just to jump back to Mr. Rees for a second so</p> <p>24 I don't forget. Did Mr. Rees already know about the</p> <p>25 letter when you contacted him?</p>
<p style="text-align: right;">Page 139</p> <p>1 the admission office then. But he was in the</p> <p>2 administration when the letter came out. And I went</p> <p>3 and shared it with him.</p> <p>4 Q. So Chris was in the administration of The</p> <p>5 Hill School?</p> <p>6 A. Yes.</p> <p>7 Q. So on April 21st, 2018, the same day that you</p> <p>8 met with Mr. Lehman, and you learned and read the</p> <p>9 letter, you went and met with Mr. -- with Chris?</p> <p>10 A. Probably it was that day. Or it would have</p> <p>11 been the next morning. That was -- that weekend was a</p> <p>12 career day, so time was pretty structured with</p> <p>13 obligations for me.</p> <p>14 Q. Did you say time was pretty structured?</p> <p>15 A. Time. Obligations, yeah.</p> <p>16 Q. Gotcha. So you met with Chris in person</p> <p>17 about the letter?</p> <p>18 A. I did. I went to his -- his family lived on</p> <p>19 campus and I went to their home.</p> <p>20 Q. And you brought the letter with you?</p> <p>21 A. At that point I had a printed copy.</p> <p>22 Q. Where did you get the printed copy?</p> <p>23 A. I printed it somewhere. Maybe in our office.</p> <p>24 I didn't have a printer at home. I mean at the --</p> <p>25 where I stayed on campus, so it's probably in the</p>	<p style="text-align: right;">Page 141</p> <p>1 A. Yes.</p> <p>2 Q. Did Mr. Rees tell you how he already knew</p> <p>3 about the letter when you contacted him?</p> <p>4 A. No.</p> <p>5 Q. Did you ask him?</p> <p>6 A. No.</p> <p>7 Q. Okay. So on April 21st, 2018, or the</p> <p>8 following morning, you shared the letter that you had</p> <p>9 then printed, the letter being the April 11th, 2018</p> <p>10 letter marked as D-15, with Chris, and he started</p> <p>11 reading it and he told you it was bullshit, right?</p> <p>12 A. He said he wasn't going to give it the</p> <p>13 dignity of finishing it.</p> <p>14 Q. So Chris didn't believe the accusations by</p> <p>15 Mr. Poulos reflected in the April 11th, 2018 letter</p> <p>16 that's been marked as D-15, is that right?</p> <p>17 A. He did not believe the content, is that what</p> <p>18 you're asking?</p> <p>19 Q. Yes.</p> <p>20 A. No. He did not.</p> <p>21 Q. Did Chris already know about the letter</p> <p>22 before you showed it to him?</p> <p>23 A. Not to -- I don't think so. No.</p> <p>24 Q. Okay. So it's your understanding that the</p> <p>25 first time Chris learned about the April 11th, 2018</p>

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<p style="text-align: right;">Page 142</p> <p>1 letter that's been marked as D-15 is when you shared</p> <p>2 your printed out copy with him?</p> <p>3 A. Yes.</p> <p>4 Q. And Chris said he wasn't going to give it the</p> <p>5 dignity of finishing it and it was bullshit. Anything</p> <p>6 else?</p> <p>7 A. No.</p> <p>8 Q. What did you do next as it relates to the</p> <p>9 April 11th, 2018 letter that's been marked as D-15? Or</p> <p>10 the accusations by Mr. Poulos?</p> <p>11 A. I can't tell you order. I can tell you in</p> <p>12 general. And I -- I don't even know if they were that</p> <p>13 visit, but certainly I shared it with my wife. I've</p> <p>14 got a brother, Mark, who is two years younger. We</p> <p>15 speak nearly daily. I shared it with him. Not</p> <p>16 printed, but told him that it existed. I doubt I even</p> <p>17 read it. I have another friend who is a head --</p> <p>18 another headmaster at the time, with whom I've worked</p> <p>19 closely and coached together at The Hill School. We</p> <p>20 speak -- we spoke often daily when I was a headmaster.</p> <p>21 Our friendship's 20 years old as well.</p> <p>22 Q. What's his name?</p> <p>23 A. Chris Hopkins.</p> <p>24 Q. All right. So you --</p> <p>25 A. And --</p>	<p style="text-align: right;">Page 144</p> <p>1 high opinion of you?</p> <p>2 A. Yes.</p> <p>3 Q. Is it your understanding that as of today</p> <p>4 Chris Chirieleison still has a high opinion of you?</p> <p>5 A. Yes.</p> <p>6 Q. So it's your belief that nothing that Chris</p> <p>7 Chirieleison read in the April 11th, 2018 letter that's</p> <p>8 been marked as D-15 affects his opinion of you, is that</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. You're still friendly with Chris</p> <p>12 Chirieleison?</p> <p>13 A. Yes.</p> <p>14 Q. So Mr. Chirieleison hasn't stopped</p> <p>15 associating with you, based on anything that he read in</p> <p>16 the April 11th, 2018 letter that's been marked as D-15,</p> <p>17 is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. Are you still in contact with Mr. Rees?</p> <p>20 A. No.</p> <p>21 Q. Prior to April 21st, 2018, was it your belief</p> <p>22 that Mr. Rees had a high opinion of you?</p> <p>23 A. Yes.</p> <p>24 Q. Do you believe that Mr. Rees still has a high</p> <p>25 opinion of you?</p>
<p style="text-align: right;">Page 143</p> <p>1 Q. -- contact -- we'll keep down the list, but</p> <p>2 just so we don't get too far ahead. So you contacted</p> <p>3 your brother, Mark Ralston?</p> <p>4 A. Yes.</p> <p>5 Q. Told him about the letter?</p> <p>6 A. Yes.</p> <p>7 Q. And did you read the April 11th, 2018 letter</p> <p>8 that's been marked as D-15 to your brother, or give him</p> <p>9 a copy of it?</p> <p>10 A. I did not give him a copy.</p> <p>11 Q. Did you read it to him?</p> <p>12 A. I don't remember if I read it to him or just</p> <p>13 gave him a summary.</p> <p>14 Q. What did your brother say?</p> <p>15 A. He was sorry I had to deal with that. I --</p> <p>16 and he's one who obviously knows it isn't true. I</p> <p>17 can't tell you word for word.</p> <p>18 Q. So your brother didn't believe it?</p> <p>19 A. No.</p> <p>20 Q. As it -- before we get to Chris Hopkins, as</p> <p>21 it relates to Chris Chir -- how do you say it?</p> <p>22 A. Chirieleison.</p> <p>23 Q. Chirieleison. Chris Chirieleison. Before</p> <p>24 April 2 -- let me start again. Before April 21st,</p> <p>25 2018, is it your belief that Chris Chirieleison had a</p>	<p style="text-align: right;">Page 145</p> <p>1 A. I -- yes. I guess. I haven't talked to him</p> <p>2 in a year and a half.</p> <p>3 Q. Okay. So as of the last -- so the last time</p> <p>4 you talked to Mr. Rees was a year and a half ago, is</p> <p>5 that right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So as of the last time you had</p> <p>8 communication with Mr. Rees, is it your understanding</p> <p>9 and belief that Mr. Rees still had a high opinion of</p> <p>10 you?</p> <p>11 A. Yes.</p> <p>12 Q. So is it correct that nothing Mr. Rees read</p> <p>13 or learned about any of the accusations by Mr. Poulos</p> <p>14 changed Mr. Rees's high opinion of you, is that right?</p> <p>15 MR. JUBB: Objection to the form.</p> <p>16 THE WITNESS: As far as I know.</p> <p>17 BY MS. DOUGHERTY:</p> <p>18 Q. Did you ever have contact with Mr. Rees,</p> <p>19 socially or other than in his capacity as the school's</p> <p>20 lawyer?</p> <p>21 A. No.</p> <p>22 Q. Nothing that your brother learned about the</p> <p>23 accusations -- let me start again. Is it your belief</p> <p>24 that nothing that your brother learned about the</p> <p>25 accusations by Mr. Poulos changed his high opinion of</p>

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<p style="text-align: right;">Page 146</p> <p>1 you?</p> <p>2 A. Nothing changed.</p> <p>3 Q. And your brother hasn't stopped associating</p> <p>4 with you based on what he learned about Mr. Poulos's</p> <p>5 accusations, is that right?</p> <p>6 A. No. It is right.</p> <p>7 Q. Okay. And then -- so Chris Hopkins. You</p> <p>8 were telling us about Chris Hopkins. You shared the</p> <p>9 information about --</p> <p>10 A. I did.</p> <p>11 Q. -- Poulos's accusations with Mr. Hopkins?</p> <p>12 A. I did.</p> <p>13 Q. Did you share specifically the April 11th,</p> <p>14 2018 letter that's been marked as D-15 with Mr.</p> <p>15 Hopkins?</p> <p>16 A. I've shared the letter with no one. Content</p> <p>17 of it. I can't tell you if I read it to him, or if I</p> <p>18 -- again, what I did with my brother was say -- and</p> <p>19 that is give him a summary of it.</p> <p>20 Q. Well, you shared the letter with Chris Chir</p> <p>21 -- how do you say it again?</p> <p>22 A. Hop -- oh, Chirieleison.</p> <p>23 Q. Yeah, Chirieleison. You did share the letter</p> <p>24 with Chris Chirieleison, right?</p> <p>25 A. I did.</p>	<p style="text-align: right;">Page 148</p> <p>1 an estimate, or without completely guessing, how close</p> <p>2 in time to the April 21st, 2018 meeting --</p> <p>3 A. It would have --</p> <p>4 Q. Hold on a second.</p> <p>5 A. Oh, I'm sorry.</p> <p>6 Q. -- that you contact with your brother and Mr.</p> <p>7 Hopkins?</p> <p>8 A. It would have been very close in time. It</p> <p>9 would not have been weeks. It would have been pretty</p> <p>10 quickly after I was away from campus.</p> <p>11 Q. Okay. So pretty soon after you got back</p> <p>12 home --</p> <p>13 A. Yes.</p> <p>14 Q. -- you contacted your brother and Mr.</p> <p>15 Hopkins. Anyone else? You were going through the list</p> <p>16 when I stopped you at the first two.</p> <p>17 A. Yeah, I'm sorry. I can't tell you when this</p> <p>18 happened. But I did speak with Geoff Neese.</p> <p>19 Q. That was your supervisor at The Hill School</p> <p>20 at the time, right?</p> <p>21 A. Yes.</p> <p>22 Q. So you told Mr. Neese about the April 11th,</p> <p>23 2018 letter that's been marked as D-15?</p> <p>24 A. I did.</p> <p>25 Q. Did Mr. Neese already know about the letter?</p>
<p style="text-align: right;">Page 147</p> <p>1 Q. You let him look at your copy?</p> <p>2 A. Because we were visit -- yes. He looked at</p> <p>3 my copy of it. And it left with me.</p> <p>4 Q. Did you meet -- did you meet Mr. Hopkins in</p> <p>5 person, or did you talk to him on the phone?</p> <p>6 A. No, we were on the phone.</p> <p>7 Q. So you either read the letter to him or</p> <p>8 communicated the content of the April 11th, 2018 letter</p> <p>9 to Mr. Hopkins, is that right?</p> <p>10 A. I did.</p> <p>11 Q. And what was Mr. Hopkin's reaction?</p> <p>12 A. Very similar. Didn't believe it. Sorry I</p> <p>13 had to deal with it. Because he's a headmaster, also</p> <p>14 knows Tom Rees, I can't tell you specifically, but we</p> <p>15 would have talked about next steps for the school and</p> <p>16 what's going on. As far as process.</p> <p>17 Q. Were you making these telephone calls while</p> <p>18 you were still on campus --</p> <p>19 A. No.</p> <p>20 Q. -- after the April 21st, 2018 meeting with</p> <p>21 Mr. Lehman?</p> <p>22 A. No.</p> <p>23 Q. You were back in Ohio?</p> <p>24 A. Yes.</p> <p>25 Q. Do you -- can you place the time, you know,</p>	<p style="text-align: right;">Page 149</p> <p>1 A. No. Not to my knowledge.</p> <p>2 Q. So you can't place, in any way, when you told</p> <p>3 Mr. Neese about the April 11, 2018 --</p> <p>4 A. It would have been --</p> <p>5 Q. -- letter?</p> <p>6 A. It would have been pretty soon. It was in</p> <p>7 person. So I know I was on campus. What I recognized</p> <p>8 was that it was impacting my work, because it was</p> <p>9 present in every conversation I had with an alumnus.</p> <p>10 Or a member of the alumni.</p> <p>11 Q. I'm sorry, you talked about Mr. Poulos's</p> <p>12 allegations in every conversation you had with alumni?</p> <p>13 A. That is -- no. I said it was present in me.</p> <p>14 No, I didn't talk about it with anybody.</p> <p>15 Q. Except for the people you're telling me?</p> <p>16 A. Yes. You said when I was meeting with</p> <p>17 alumni, and I'm saying, no, I didn't have that</p> <p>18 conversation.</p> <p>19 Q. Here's what I'm trying to do. I'm trying to</p> <p>20 understand your comment that it was affecting your</p> <p>21 work, as it was present in every conversation with</p> <p>22 alumni.</p> <p>23 A. The -- I'm sorry. Yeah. I can explain.</p> <p>24 Q. Because that's what surprised me.</p> <p>25 A. Yeah. It would have me too. No, I never</p>

<p style="text-align: right;">Page 150</p> <p>1 mentioned it that way. It didn't change -- it changed</p> <p>2 my daily life, because it was always present in me that</p> <p>3 I've been accused in this. I was representing the</p> <p>4 school and the values of the school and trying to find</p> <p>5 supporters for the school. And my constant fear was</p> <p>6 that if the -- if the letter proceeded beyond that, all</p> <p>7 of these people I was meeting with were going to have a</p> <p>8 very different picture of me than what I was sharing</p> <p>9 with them. Which was long term faculty member, had a</p> <p>10 very good career as a teacher. Administrator.</p> <p>11 I came back to The Hill after serving as a</p> <p>12 headmaster similar in this capacity, because I love the</p> <p>13 school. That's where I raised my family. And</p> <p>14 represented the school. And my fear was that that was</p> <p>15 going to damage not only my relationships that I was</p> <p>16 building with these people but everything I was doing</p> <p>17 on behalf of the school. So when I was saying it was</p> <p>18 present, it was a fog or a shadow of every conversation</p> <p>19 I had with people in regards to the school.</p> <p>20 Q. Okay. The fog or shadow was that, like, you</p> <p>21 worried that somebody was going to ask you about it?</p> <p>22 A. No.</p> <p>23 Q. Okay.</p> <p>24 A. It was that --</p> <p>25 Q. Well, why weren't you worried that somebody</p>	<p style="text-align: right;">Page 152</p> <p>1 A. I don't acknowledge that at all.</p> <p>2 Q. Well, what --</p> <p>3 A. You're asking how I read it. I'm telling you</p> <p>4 that if someone says to me this is an attempt to settle</p> <p>5 and compromise claims, that, to me, implies that it's</p> <p>6 an attempt. What happens after that if there is not a</p> <p>7 settlement?</p> <p>8 Q. Okay. So you were concerned that if The Hill</p> <p>9 School didn't settle with Mr. Poulos, that -- what?</p> <p>10 A. I -- I don't know. My understanding --</p> <p>11 Q. How do you connect that to publicity?</p> <p>12 A. My understanding of the world is if there's</p> <p>13 an attempt to settle and it doesn't happen, the next</p> <p>14 step is somebody files a suit, or charges, or makes</p> <p>15 some sort of public statement.</p> <p>16 Q. So was a lawsuit filed against you by Mr.</p> <p>17 Poulos?</p> <p>18 A. No.</p> <p>19 Q. Were charges filed against you?</p> <p>20 A. No. But you're asking -- you're asking</p> <p>21 questions after this letter came out and about my work.</p> <p>22 And how would I know if, after receiving this letter,</p> <p>23 not -- not to mention later, how -- how would I know</p> <p>24 that nothing was going to be filed?</p> <p>25 Q. Okay. I'm trying to understand the fog and</p>
<p style="text-align: right;">Page 151</p> <p>1 was going to ask you about it?</p> <p>2 A. Well, because at that point it was a letter</p> <p>3 to -- to Mr. Lehman.</p> <p>4 Q. Okay. So no --</p> <p>5 A. So the first --</p> <p>6 Q. -- so alumni didn't know about it at that</p> <p>7 point in time, is that right?</p> <p>8 A. Not that I know of.</p> <p>9 Q. Okay.</p> <p>10 A. What I know is that with all the other things</p> <p>11 that you -- we've discussed, once things go public,</p> <p>12 than everybody knows. So this threatened, from my</p> <p>13 perspective, every relationship I had that was sourced,</p> <p>14 or had its beginning at The Hill School.</p> <p>15 Q. Well, what was the basis for your belief that</p> <p>16 the allegations by Mr. Poulos were public?</p> <p>17 A. That -- this says this is an attempt to</p> <p>18 settle and compromise claims and with -- with Mr.</p> <p>19 Ralston and should not be seen as evidence of any court</p> <p>20 hearing. That sentence doesn't matter. But what</p> <p>21 happens if an attempt to settle doesn't -- doesn't</p> <p>22 happen?</p> <p>23 Q. Okay. You acknowledge that the April 11th,</p> <p>24 2018 letter that's been marked as D-15 doesn't threaten</p> <p>25 to make things public, right?</p>	<p style="text-align: right;">Page 153</p> <p>1 constant fear that you were experiencing after you went</p> <p>2 back to Ohio after the career weekend, April 21st,</p> <p>3 2018.</p> <p>4 MR. JUBB: That's not a question yet.</p> <p>5 That's just a background. She'll ask a</p> <p>6 question.</p> <p>7 THE WITNESS: Is that a question?</p> <p>8 MS. DOUGHERTY: Well --</p> <p>9 MR. JUBB: I'm asking her to fix her</p> <p>10 question.</p> <p>11 MS. DOUGHERTY: That's fine. I'm just</p> <p>12 trying to think what the problem is.</p> <p>13 MR. JUBB: It was a statement.</p> <p>14 MS. DOUGHERTY: I'm not very sure that</p> <p>15 it was, but that's okay.</p> <p>16 BY MS. DOUGHERTY:</p> <p>17 Q. Why were you in constant fear? And I think</p> <p>18 you described it as a fog, when you returned to Ohio</p> <p>19 and were carrying out your duties as a --</p> <p>20 A. Because there's --</p> <p>21 Q. Hold on one second. I don't remember your</p> <p>22 title. (Continued) -- as a capital giving officer.</p> <p>23 Why was a constant fear and fog affecting your ability</p> <p>24 to carry out your duties as a capital giving officer?</p> <p>25 MR. JUBB: Objection to the form. Asked</p>

<p style="text-align: right;">Page 154</p> <p>1 and answered. Go ahead.</p> <p>2 THE WITNESS: Because my job was</p> <p>3 dependent on relationships. And I was</p> <p>4 building relationships, or maintaining</p> <p>5 relationships with former students in a</p> <p>6 position representing the school. I had been</p> <p>7 accused of what I consider the most heinous</p> <p>8 thing that can happen to a child. And I had</p> <p>9 no way of knowing how that was going to play</p> <p>10 out, because it wasn't in my hands.</p> <p>11 It was out of my hands how all of this</p> <p>12 was going to play out. And I don't know how</p> <p>13 to explain to you or what -- what's not</p> <p>14 clear, why there would be a fear if I'm</p> <p>15 sitting here asking someone to support a</p> <p>16 school, that -- and then they -- it comes out</p> <p>17 somewhere down the road that I was accused of</p> <p>18 this, how that doesn't jeopardize everything</p> <p>19 I'm doing, or make me feel like I'm being</p> <p>20 somewhat -- holding back on building a</p> <p>21 relationship about the values of the school.</p> <p>22 BY MS. DOUGHERTY:</p> <p>23 Q. Didn't Mr. Rees already tell you that schools</p> <p>24 typically resolve claims like this, when you spoke to</p> <p>25 him?</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. Well, did any alumni -- let me start again.</p> <p>2 Did any alumnus or alumni ask you about Mr. Poulos's</p> <p>3 allegations? Ever?</p> <p>4 A. No.</p> <p>5 Q. And what would you say if someone had?</p> <p>6 A. I -- I don't know.</p> <p>7 Q. You wouldn't deny it?</p> <p>8 A. Would I deny it?</p> <p>9 Q. Yeah. You don't know what you would say if</p> <p>10 somebody asked you about Mr. Poulos accusing you of</p> <p>11 repeatedly sexually abusing him when he was a child?</p> <p>12 A. I have a perspective of -- I'm a former</p> <p>13 headmaster and a lifelong school person.</p> <p>14 Q. No, no. This is what I want to know. I want</p> <p>15 to know if an alumnus or alum -- we already established</p> <p>16 that no alumnae or alumnus actually asked you about Mr.</p> <p>17 Poulos's accusations. So what I want to know is what</p> <p>18 you would have said if you were asked about it.</p> <p>19 A. I would --</p> <p>20 Q. Are you telling me you don't know?</p> <p>21 A. No. Well, in completion, of course part of</p> <p>22 that would have been absolutely it's false. Beyond</p> <p>23 that, what I would tell them I can't tell you, because</p> <p>24 I never went there with an alumnus. I would have</p> <p>25 denied it. And here's what we're doing. Or I would</p>
<p style="text-align: right;">Page 155</p> <p>1 A. My name's attached to all of this.</p> <p>2 Q. But your fear, as I understood it, that if</p> <p>3 the school didn't settle and compromise the claims,</p> <p>4 there would -- somehow the accusations by Mr. Poulos</p> <p>5 would become null. You had already spoken to Mr. Rees,</p> <p>6 who told you that schools typically resolve accusations</p> <p>7 like this, right?</p> <p>8 MR. JUBB: Objection to the form.</p> <p>9 THE WITNESS: No. I don't think he told</p> <p>10 me they resolved. He told me that there</p> <p>11 would be an investigation and then the</p> <p>12 schools act appropriately according to the</p> <p>13 outcome of that. I don't know what that</p> <p>14 resolution is going to be.</p> <p>15 BY MS. DOUGHERTY:</p> <p>16 Q. I think you said "Schools don't fight things</p> <p>17 like this".</p> <p>18 A. Yes. But I also said --</p> <p>19 Q. It's not fighting different than settling, in</p> <p>20 your mind?</p> <p>21 A. Yeah. In my mind. Not fighting is hoping it</p> <p>22 goes away. I work -- I spent my -- most -- much of my</p> <p>23 career at a school whose motto is whatsoever things are</p> <p>24 true. And here is a letter falsely accusing me of this</p> <p>25 letter. I don't think it's okay.</p>	<p style="text-align: right;">Page 157</p> <p>1 have denied it and said -- or I would have said you</p> <p>2 need to reach out to Zach. I -- I -- I would have had</p> <p>3 a school perspective in my response, as well as a</p> <p>4 personal one.</p> <p>5 So when I say I don't know exactly what I</p> <p>6 would say, it's that conflict between doing what is</p> <p>7 best for the school, which I think I did in my whole</p> <p>8 career, and doing what's in my own best interest. And</p> <p>9 I try to balance those. And I would try -- I would</p> <p>10 have, if somebody asked me that, tried to balance that.</p> <p>11 Q. So these alumnus and alumnae that you're</p> <p>12 speaking to, these are former students that --</p> <p>13 A. Some are.</p> <p>14 Q. -- you knew, right?</p> <p>15 A. Sorry.</p> <p>16 Q. That's okay. These are former students that</p> <p>17 you knew, right?</p> <p>18 A. Some are. Some aren't.</p> <p>19 Q. Okay.</p> <p>20 A. So -- my alumni base goes back to 1992. Runs</p> <p>21 from 1992 to about 2011. So I knew students when I</p> <p>22 left in 2009. That's -- that is the cohort of alumni</p> <p>23 that I know.</p> <p>24 Q. Okay. So --</p> <p>25 A. Prior that, I don't --</p>

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<p style="text-align: right;">Page 158</p> <p>1 Q. -- the majority of the people that you were</p> <p>2 speaking -- let me start again. The majority of the</p> <p>3 alumnus and alumnae that you were speaking to, at the</p> <p>4 time in 2018 were people who knew you, is that right?</p> <p>5 A. No.</p> <p>6 Q. No?</p> <p>7 A. Not majority. I can't tell you the exact</p> <p>8 split.</p> <p>9 Q. I'm confused. You were at the -- you were at</p> <p>10 the school from 1992 to 2009, right? And I think you</p> <p>11 said that your time frame for your alumnus and alumnae</p> <p>12 telephone calls, when you were the capital giving</p> <p>13 officer, was 2011. So I don't understand how --</p> <p>14 A. I said the people I know. The base of people</p> <p>15 I know.</p> <p>16 Q. Okay.</p> <p>17 A. My responsibility, I met with alumni back as</p> <p>18 far as -- I think as far back as I go is 1951. There</p> <p>19 is an alumnus from there.</p> <p>20 Q. Oh. Okay.</p> <p>21 A. So back that far. Some further trustees,</p> <p>22 current trustees. Although I wasn't fundraising</p> <p>23 current trustees. I -- I don't know how -- I don't --</p> <p>24 I guess I don't need to say anything else.</p> <p>25 Q. So you -- just so I'm clear -- let me --</p>	<p style="text-align: right;">Page 160</p> <p>1 A. It was</p> <p>2 Q. -- 2019.</p> <p>3 A. It was. I was on leave. Paid leave.</p> <p>4 Q. Whose idea was the paid leave?</p> <p>5 A. Mr. Lehman's, I assume.</p> <p>6 Q. Okay.</p> <p>7 A. If it wasn't his, he was the messenger.</p> <p>8 Q. So the paid leave started May 2019, did I get</p> <p>9 that right?</p> <p>10 A. It did.</p> <p>11 Q. Okay. So when did you tell Mr. Neese about</p> <p>12 the April 11th, 2018 letter that has been marked as</p> <p>13 D-15?</p> <p>14 A. It was probably around the opening of school</p> <p>15 of that year. And I -- because I would have probably</p> <p>16 been back on campus. Or -- I'm sorry, let's back up.</p> <p>17 I was there May. I -- I don't know specifically. I</p> <p>18 don't remember what date. It was not -- it was not a</p> <p>19 year after that. It wasn't six months after I learned</p> <p>20 of the letter.</p> <p>21 Q. The next time you went to campus after career</p> <p>22 day?</p> <p>23 A. That's pro -- in all likelihood when.</p> <p>24 Q. So sometime between --</p> <p>25 A. The next time I probably was on campus would</p>
<p style="text-align: right;">Page 159</p> <p>1 never mind. Strike that. So you then told Mr. Neese</p> <p>2 about the letter, because you were concerned about the</p> <p>3 constant fear and fog that an alumnae or alumnus might</p> <p>4 ask you about the allegations?</p> <p>5 A. No.</p> <p>6 Q. Okay. Why would you tell Mr. Neese?</p> <p>7 A. It is impacting my -- because it was</p> <p>8 impacting my work. It was a part of -- the success</p> <p>9 I've had in my career is based on my ability to build</p> <p>10 relationships and that, to me, feels like a piece of me</p> <p>11 that impacts my daily life every day. Since the day</p> <p>12 Mr. Lehman told me, that -- that it's not -- and is --</p> <p>13 at least tangentially and peripherally relative to</p> <p>14 context in which I was building these -- these</p> <p>15 relationships. If it became more than tangential or it</p> <p>16 became concrete, I -- I don't know what I would have</p> <p>17 said or done.</p> <p>18 Q. But it didn't happen, right?</p> <p>19 A. Well, no. But that doesn't mean it wouldn't.</p> <p>20 It -- it's not fair to ask me about today how -- where</p> <p>21 we are today in regards to what -- where I was in 2018.</p> <p>22 Or the work I was doing there. I haven't worked since</p> <p>23 May of 2019.</p> <p>24 Q. I thought your termination date was October</p> <p>25 14th --</p>	<p style="text-align: right;">Page 161</p> <p>1 have been reunion, which is in June.</p> <p>2 Q. Okay. So the next time you were on campus</p> <p>3 after the April 2018 career day, which you think is</p> <p>4 probably June 2018, you told Mr. Neese about the April</p> <p>5 11th, 2018 letter that's been marked as D-15?</p> <p>6 A. I'm saying that's probably what I did.</p> <p>7 Q. Okay.</p> <p>8 A. I'm also telling you I -- I don't</p> <p>9 specifically remember.</p> <p>10 Q. Okay. So how did you tell Mr. Neese about</p> <p>11 the April 11th, 2018 letter that's been marked as D-15?</p> <p>12 A. Went into his office, asked if I could close</p> <p>13 the door. I said I have something I need to share with</p> <p>14 you. And -- and I prefaced I need to share with you</p> <p>15 because I know it's impacting my work.</p> <p>16 Q. Did you give Mr. Neese a copy of the letter?</p> <p>17 A. I did not.</p> <p>18 Q. Did you read it to him?</p> <p>19 A. I did not.</p> <p>20 Q. What did you tell Mr. Neese about the letter?</p> <p>21 The April 11th, 2018 letter that's been marked D-15?</p> <p>22 A. I would have shared with him that there were</p> <p>23 -- that there -- about the allegations.</p> <p>24 Q. So you told Mr. Neese that Mr. Poulos accused</p> <p>25 you of repeatedly sexually molesting him when he was a</p>

<p style="text-align: right;">Page 162</p> <p>1 child?</p> <p>2 A. I think I probably told him that a former</p> <p>3 student had accused me.</p> <p>4 Q. So you didn't name Mr. Poulos to Mr. Neese?</p> <p>5 A. I don't think so. And I don't remember</p> <p>6 specifically. But I don't think so.</p> <p>7 Q. But you're confident that you communicated to</p> <p>8 Mr. Neese that a former student had accused you of</p> <p>9 repeatedly sexually molesting him when he was a child,</p> <p>10 right?</p> <p>11 MR. JUBB: Objection to the form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. DOUGHERTY:</p> <p>14 Q. And what did Mr. -- let me start again. Did</p> <p>15 you tell Mr. Neese anything else about the April 11th,</p> <p>16 2018 letter that's been marked D-15, or the allegations</p> <p>17 by Mr. Poulos?</p> <p>18 A. No. I don't think so. No.</p> <p>19 Q. What did Mr. Neese say?</p> <p>20 A. I think he just told me to do my best. I</p> <p>21 told him there are moments when I find it paralyzing.</p> <p>22 He probably said he can't imagine it not doing that at</p> <p>23 times. And if I was having more -- if I had problems</p> <p>24 with work to -- to let him know.</p> <p>25 Q. I'm sorry if you answered already, but I</p>	<p style="text-align: right;">Page 164</p> <p>1 A. No. Not completely.</p> <p>2 Q. What do you mean not completely?</p> <p>3 A. We know each other's families. I will send</p> <p>4 him a happy birthday note. There's been no</p> <p>5 communications regarding this.</p> <p>6 Q. Okay. So --</p> <p>7 A. He's certainly aware -- no, that was --</p> <p>8 actually not before I was done working.</p> <p>9 Q. Is it -- let me just -- is it the case that</p> <p>10 you just don't have a -- you know, you just don't have</p> <p>11 the circumstance to meet up with Mr. Neese because you</p> <p>12 don't work together anymore? It's not the case that</p> <p>13 Mr. Neese is avoiding you or refuses to work with you,</p> <p>14 is that right?</p> <p>15 A. Yes. As far as I know.</p> <p>16 Q. Okay. So as far as you know, Mr. Neese is</p> <p>17 not purposely not associating with you because of</p> <p>18 something he learned from you about Mr. Poulos's</p> <p>19 accusations, is that right?</p> <p>20 A. That's right.</p> <p>21 Q. We -- let me do it this way. Are there more</p> <p>22 people, other than Mr. Neese on your list? Because you</p> <p>23 were giving me a list of everybody you told about the</p> <p>24 April 11, 2018 letter.</p> <p>25 A. There another.</p>
<p style="text-align: right;">Page 163</p> <p>1 forget, did Mr. Neese already know about the letter</p> <p>2 before you told him?</p> <p>3 A. I don't believe so, no. It's not my</p> <p>4 impression that he did.</p> <p>5 Q. Did Mr. Neese give you an impression about</p> <p>6 whether he credited the accusations that you shared</p> <p>7 with him?</p> <p>8 A. He did. And he did not give any credibility</p> <p>9 to it.</p> <p>10 Q. Okay. So Mr. Neese didn't believe the</p> <p>11 accusations that you had repeatedly sexually molested a</p> <p>12 former student?</p> <p>13 A. That's true.</p> <p>14 Q. Prior to when you informed Mr. Neese about</p> <p>15 Mr. Poulos's accusations, is it your understanding that</p> <p>16 Mr. Neese had a high opinion of you?</p> <p>17 A. Yes.</p> <p>18 Q. Is it your understanding that as of today Mr.</p> <p>19 Neese still has a high opinion of you?</p> <p>20 A. Yes.</p> <p>21 Q. So nothing that you shared with Mr. Neese</p> <p>22 regarding Mr. Poulos's accusations changed Mr. Neese's</p> <p>23 high opinion of you, is that right?</p> <p>24 A. It's not my impression that it did, so.</p> <p>25 Q. So did Mr. Neese stop associating with you?</p>	<p style="text-align: right;">Page 165</p> <p>1 Q. All right. Why don't you tell me that</p> <p>2 person?</p> <p>3 A. One other. Bill Yinger, Y-I-N-G-E-R.</p> <p>4 Q. Is this related to the alumni relations</p> <p>5 woman?</p> <p>6 A. No.</p> <p>7 Q. No? They just have the same last name?</p> <p>8 A. Oh, oh. Yeah. Yeah. I'm sorry.</p> <p>9 To the woman. Yes. It's his -- it's his -- it's her</p> <p>10 husband.</p> <p>11 Q. Virginia Yinger.</p> <p>12 A. Bill is her husband.</p> <p>13 Q. Internal Operations Annual Fund --</p> <p>14 A. Yes.</p> <p>15 Q. -- individuals. Who you worked with, right?</p> <p>16 A. Yes, I did.</p> <p>17 Q. So you told Bill Yinger about the April 11th,</p> <p>18 2018 letter that's been marked as D.15?</p> <p>19 A. I did.</p> <p>20 Q. When did you tell Bill Yinger?</p> <p>21 A. I don't remember. It wouldn't have been a</p> <p>22 long wait.</p> <p>23 Q. Who's Bill Yinger to you? Other than the</p> <p>24 husband of your former co-worker?</p> <p>25 A. Let's see. He was a student. His first year</p>

<p style="text-align: right;">Page 166</p> <p>1 as a student was the same as my first year as a faculty</p> <p>2 member in 1992. When he was a student I taught him and</p> <p>3 I coached him. He has a brother my oldest son's age,</p> <p>4 and would visit our sons while he was away from home.</p> <p>5 He was pretty close with our whole family.</p> <p>6 He went to Lehigh. Or not Lehigh.</p> <p>7 Lafayette. Sorry. I don't know anybody who went to</p> <p>8 Lehigh. Would visit us sometime on the weekends while</p> <p>9 he was there. So it's a personal -- it had grown to be</p> <p>10 a friendship. He came back to work at the school. So</p> <p>11 he would have graduated college in '99. He was at</p> <p>12 Trinity College for two or three years. So he came</p> <p>13 back in '90 -- I'm sorry, '02 or '03. Became a</p> <p>14 chairman of the science department. I was the best man</p> <p>15 at his wedding. He's attended our son's wedding.</p> <p>16 We're just good family friends.</p> <p>17 Q. Did you tell Mr. Yinger about the April 11th,</p> <p>18 2018 letter that's been marked D-15 after you shared</p> <p>19 the content with Mr. Neese?</p> <p>20 A. I don't remember.</p> <p>21 Q. How did you -- well, let me start again. So</p> <p>22 you did share the content of the April 11th, 2018</p> <p>23 letter that's been marked as D-15 with Bill Yinger, is</p> <p>24 that right?</p> <p>25 A. Could you ask that again?</p>	<p style="text-align: right;">Page 168</p> <p>1 A. Bill's --</p> <p>2 Q. Mr. Yinger's house on campus?</p> <p>3 A. Yes. Yes.</p> <p>4 Q. And what did -- and you can't place that in</p> <p>5 time to any extent?</p> <p>6 A. I -- I'm sorry, I -- no.</p> <p>7 Q. That's fine.</p> <p>8 A. Again, it would not have been a long -- a</p> <p>9 long period of time. I don't think it was before I</p> <p>10 left. But it could have been. I don't -- I'm --</p> <p>11 Q. What do you mean before you left?</p> <p>12 A. Before I left in April. I don't think it was</p> <p>13 then.</p> <p>14 Q. Okay.</p> <p>15 A. But because I know I told Chris before I</p> <p>16 left, Chirieleison, I might have told Bill before I</p> <p>17 left. I'm sorry. I just don't remember.</p> <p>18 Q. Is -- and the reason why you were telling</p> <p>19 Bill was because you considered him to be a close</p> <p>20 friend?</p> <p>21 A. Yeah.</p> <p>22 Q. So what did you tell Bill about the April</p> <p>23 11th, 2018 letter that's been marked D-15?</p> <p>24 A. I would have told him that I have been</p> <p>25 accused of abusing a student.</p>
<p style="text-align: right;">Page 167</p> <p>1 Q. You did share the content of the April 11th,</p> <p>2 2018 letter that's been marked D-15 with Bill Yinger,</p> <p>3 is that right?</p> <p>4 A. Yes.</p> <p>5 Q. How did you share the content of the April</p> <p>6 11th, 2018 letter with Mr. Yinger?</p> <p>7 A. Would have been somewhere in person. It was</p> <p>8 not that he had -- I didn't share the -- hand him the</p> <p>9 letter. I don't believe. And our -- it would have</p> <p>10 been I was sharing it because we have a long personal</p> <p>11 relationship and family relationships. And part of --</p> <p>12 it was becoming more part of who I was and I felt he</p> <p>13 needed to know.</p> <p>14 Q. Did Mr. Yinger live in residence at The Hill</p> <p>15 School?</p> <p>16 A. Did he?</p> <p>17 Q. Did he live at The Hill School?</p> <p>18 A. He does. He did. And does.</p> <p>19 Q. So Mr. Yinger lived at The Hill School at the</p> <p>20 time when you met with him in person and shared the</p> <p>21 content of the April 11th, 2018 letter that's been</p> <p>22 marked D-15, is that right?</p> <p>23 A. He did.</p> <p>24 Q. So at some point when you were back on</p> <p>25 campus, you went to --</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. Did you tell Mr. Yinger who the student was?</p> <p>2 A. I don't know. I don't think so. I don't</p> <p>3 know.</p> <p>4 Q. Mr. Yinger would have been a classmate of Mr.</p> <p>5 Poulos, is that right?</p> <p>6 A. He would not have been a classmate. He would</p> <p>7 have been a schoolmate.</p> <p>8 Q. Schoolmate?</p> <p>9 A. Bill graduated in 1995.</p> <p>10 Q. So Mr. Poulos and Mr. Yinger are two years</p> <p>11 apart in school, as that right?</p> <p>12 A. Yes.</p> <p>13 Q. What else did you tell Mr. Yinger about the</p> <p>14 April 11th, 2018 letter?</p> <p>15 A. From there it would have been how it's</p> <p>16 affected me personally. What I was feeling.</p> <p>17 Q. What did Mr. Yinger say?</p> <p>18 A. Well, he didn't believe any of it. I don't</p> <p>19 know what else he said. I know he would have done</p> <p>20 nothing but stand firmly with me and tell me how he</p> <p>21 would support me as we go.</p> <p>22 Q. Okay. So Mr. Yinger didn't believe the</p> <p>23 accusations as you relayed them to him, is that right?</p> <p>24 A. Correct.</p> <p>25 Q. And prior to when you relayed to Mr. Yinger</p>

<p style="text-align: right;">Page 170</p> <p>1 Mr. Poulos's accusations that you had repeatedly</p> <p>2 sexually molested him, did Mr. Yinger have a high</p> <p>3 opinion of you?</p> <p>4 A. Yes.</p> <p>5 Q. And as of today does Mr. Yinger still have a</p> <p>6 high opinion of you?</p> <p>7 A. Yes.</p> <p>8 Q. So nothing that you told Mr. Yinger about Mr.</p> <p>9 Poulos's accusations that you sexually -- repeatedly</p> <p>10 sexually molested Mr. Poulos has changed Mr. Yinger's</p> <p>11 high opinion of you, is that right?</p> <p>12 A. That's correct.</p> <p>13 Q. Has Mr. Yinger stopped associating with you?</p> <p>14 A. No.</p> <p>15 Q. Is there anyone else that you told about the</p> <p>16 April 11th, 2018 letter that's been marked as D-15?</p> <p>17 A. I don't think so.</p> <p>18 Q. Okay. So we have Mr. Yinger, Mr. Neese, Mr.</p> <p>19 Hopkins, Mr. Ralston, as in your brother Mr. Ralston,</p> <p>20 Mark Ralston, Chris C.</p> <p>21 A. That's what the kids call him.</p> <p>22 Q. You told Mr. Rees, but he already knew.</p> <p>23 A. I'm sorry?</p> <p>24 Q. You told Mr. Rees but he already knew.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Who is the doctor that you told?</p> <p>2 A. His name is Phillip Siemer. S-I-E-M-E-R.</p> <p>3 Q. So you told Dr. Phillip Siemer about the</p> <p>4 April 11th, 2018 letter. And I think you said a</p> <p>5 counselor?</p> <p>6 A. I did. Also saw -- one of the things Dr.</p> <p>7 Siemer recommended was that I see a counselor.</p> <p>8 Q. So who's the counselor that you told about</p> <p>9 the April 11th, 2018 letter?</p> <p>10 A. Her name is Lisa Havens, H-A-V-E-N-S.</p> <p>11 Q. And is Dr. Siemer in Columbus, Ohio?</p> <p>12 A. No. He's actually in Michigan.</p> <p>13 Q. Driver City?</p> <p>14 A. He's also a friend. Suttons Bay.</p> <p>15 S-U-T-T-O-N-S.</p> <p>16 Q. Is he affiliated with a medical practice?</p> <p>17 A. Yeah, he's got -- actually, he has a private</p> <p>18 practice, but he also is part of MDVIP.</p> <p>19 Q. Okay. And Lisa Havens.</p> <p>20 A. She's also --</p> <p>21 Q. She's a counselor?</p> <p>22 A. Yes, she is.</p> <p>23 Q. Is she a doctor too?</p> <p>24 A. No.</p> <p>25 Q. And where is she located?</p>
<p style="text-align: right;">Page 171</p> <p>1 Q. And your wife?</p> <p>2 A. Yes.</p> <p>3 Q. Did I leave anybody out?</p> <p>4 A. No.</p> <p>5 Q. Again, that you told about the April 11th,</p> <p>6 2018 letter that we've marked as D-15?</p> <p>7 A. No. I don't think so.</p> <p>8 Q. I'm asking about ever. Not just limited to</p> <p>9 2018, but not asking about your lawyer.</p> <p>10 A. I've spoken with a -- a doctor. I've spoken</p> <p>11 with a counselor.</p> <p>12 Q. To seek counseling therapy or medical</p> <p>13 treatment, is that right?</p> <p>14 A. Well, I saw -- I spoke with a doctor because</p> <p>15 of -- I didn't want to try and guess how this was</p> <p>16 manifesting. I -- I could say things that were --</p> <p>17 Q. Let's do it this way. Why did you tell the</p> <p>18 doctor about the April 11th, 2018 letter?</p> <p>19 A. Because of the constant gut-wrenching level</p> <p>20 of anxiety. I had some pretty early significant bouts</p> <p>21 of diarrhea. And I've always called them gerbils, but</p> <p>22 the thought that -- that can overtake my mind at night</p> <p>23 if I wake up.</p> <p>24 Q. Who is this doctor?</p> <p>25 A. Beg your pardon?</p>	<p style="text-align: right;">Page 173</p> <p>1 A. She's also in Michigan.</p> <p>2 Q. In Suttons Bay?</p> <p>3 A. Yes.</p> <p>4 Q. Is she affiliated with a practice?</p> <p>5 A. Only -- not -- not on paper, technically.</p> <p>6 They know each other. Dr. Siemer recommended her. So</p> <p>7 by associated, they're not partners. Or she's not in</p> <p>8 his practice. She's got a private practice.</p> <p>9 Q. Okay. What's that private practice called?</p> <p>10 Does she just use her name? Or is she --</p> <p>11 A. I think she just uses her name.</p> <p>12 Q. -- affiliated -- okay.</p> <p>13 A. I think she's got a tag line now, but I don't</p> <p>14 remember it. She just uses her name.</p> <p>15 Q. All right. Anybody else that you told about</p> <p>16 the April 11th, 2018 letter that's been marked as D-15?</p> <p>17 We got the doctor, the counselor, Havens, your wife,</p> <p>18 your brother, Chris C., Mr. Neese, Chris Hopkins, Mr.</p> <p>19 Yinger. Anyone else?</p> <p>20 A. When I was put on leave, I shared it with my</p> <p>21 sons. The awareness. Made them aware.</p> <p>22 Q. You mean so sometime after May 2019?</p> <p>23 A. It would have been in May.</p> <p>24 Q. In May?</p> <p>25 A. Like 2019.</p>

<p style="text-align: right;">Page 174</p> <p>1 Q. Why did you tell your sons in May 2019 about</p> <p>2 the April 11th, 2018 letter that's been marked as D-15?</p> <p>3 A. Because I was no longer at the school. And</p> <p>4 there was no way they weren't going to know that.</p> <p>5 Q. Well, you were just on leave. Paid leave,</p> <p>6 right?</p> <p>7 A. Correct.</p> <p>8 Q. And what did you tell your sons?</p> <p>9 A. That I have been accused of this. And told</p> <p>10 them when. And that I was now on administrative leave.</p> <p>11 THE VIDEOGRAPHER: Stand by. Change</p> <p>12 the chapters. Going off record, 2:22.</p> <p>13 * * *</p> <p>14 (Whereupon, a short break was taken.)</p> <p>15 * * *</p> <p>16 THE VIDEOGRAPHER: We're back on, 2:40.</p> <p>17 BY MS. DOUGHERTY:</p> <p>18 Q. How did you learn that you were being put on</p> <p>19 leave? Let me -- strike that. Is it correct that the</p> <p>20 leave was not voluntary?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. So what is your understanding of why</p> <p>23 you were put on leave in May 2019?</p> <p>24 A. I don't even recall a phone call. I'm sure</p> <p>25 it was Zach.</p>	<p style="text-align: right;">Page 176</p> <p>1 A. No, it's allergies.</p> <p>2 Q. I just want to make sure you're not crying</p> <p>3 because I'm upsetting you.</p> <p>4 A. It's not upset.</p> <p>5 Q. Okay.</p> <p>6 A. It's allergies.</p> <p>7 Q. Do you have enough tissues there for your</p> <p>8 allergies?</p> <p>9 A. Yes. I stole some more.</p> <p>10 Q. You have them stuffed in your pockets there?</p> <p>11 A. I do.</p> <p>12 Q. You're sure that you --</p> <p>13 MR. MCCARRON: Hey, could you guys --</p> <p>14 could you unmute again, please?</p> <p>15 MS. DOUGHERTY: Sorry. Can you hear us</p> <p>16 now?</p> <p>17 MR. MCCARRON: Yes.</p> <p>18 BY MS. DOUGHERTY:</p> <p>19 Q. Are you sure, though, that you also received</p> <p>20 a letter confirming --</p> <p>21 A. I know I got -- yes. Because it outlined</p> <p>22 what it meant.</p> <p>23 Q. Okay. And do you still have that letter?</p> <p>24 A. Probably.</p> <p>25 Q. Did you give that letter to your lawyer?</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. We're talking about Mr. Lehman?</p> <p>2 A. Mr. Lehman. I'm sorry. That all goes back</p> <p>3 to the letters. At that point there were two letters.</p> <p>4 And -- so my -- it's where I go. Obviously May '19 was</p> <p>5 a few weeks after I filed suit. But I -- I don't know</p> <p>6 what he was thinking. He just told me he needs to put</p> <p>7 me on -- on paid administrative leave.</p> <p>8 Q. So were you put on paid administrative leave?</p> <p>9 A. You know what, I take that back. I do know</p> <p>10 how. Tom Rees informed me.</p> <p>11 Q. It wasn't Mr. Lehman who called you?</p> <p>12 A. No. It was Tom Rees. What I can't -- I know</p> <p>13 I had a letter confirming it, but I don't -- I have a</p> <p>14 hard time believing the letter was how I found out. So</p> <p>15 maybe Zach called -- Mr. Lehman called me. Maybe Tom</p> <p>16 did. But I'm pretty sure I got a letter.</p> <p>17 Q. Okay. So you think that you maybe got the</p> <p>18 courtesy of a telephone call first and then you have a</p> <p>19 writing identifying --</p> <p>20 A. I'm sure I have a letter, because it outlined</p> <p>21 what it meant. And I -- although, you know what, a</p> <p>22 phone call from Mr. Lehman -- if -- if I got a phone</p> <p>23 call it would have been from Mr. Rees. Because at that</p> <p>24 time I was already engaged with Mr. Jubb.</p> <p>25 Q. Do you have allergies or are you upset?</p>	<p style="text-align: right;">Page 177</p> <p>1 A. Probably. But I -- I -- I know I would have</p> <p>2 called and asked about it. But I don't recall that I</p> <p>3 -- if I shared it or not.</p> <p>4 Q. Because I don't have the -- a May -- I'm</p> <p>5 sorry. Let me start again. So the letter was dated</p> <p>6 May -- sometime in May 2019?</p> <p>7 A. It would have been, yes. Yeah.</p> <p>8 Q. Okay.</p> <p>9 MS. DOUGHERTY: So sometime -- I don't</p> <p>10 have a letter dated May 2019 explaining the</p> <p>11 basis of the leave, or that he was going on</p> <p>12 leave.</p> <p>13 MR. JUBB: Okay.</p> <p>14 MS. DOUGHERTY: Is that something that</p> <p>15 you have?</p> <p>16 MR. JUBB: If I do I'll get it to you.</p> <p>17 MS. DOUGHERTY: Okay. Will you get it</p> <p>18 from your client if you don't have it?</p> <p>19 MR. JUBB: Yeah, if he has the letter.</p> <p>20 BY MS. DOUGHERTY:</p> <p>21 Q. And what's your recollection of the content</p> <p>22 of the May 2019 letter?</p> <p>23 A. That I was on paid administrative leave. It</p> <p>24 meant that I needed to be available for questions. And</p> <p>25 available to anybody at the school that needed me. I</p>

<p style="text-align: right;">Page 178</p> <p>1 was to -- not to make contact with alumni in the</p> <p>2 context of -- as an employee of the school. I believe</p> <p>3 that's -- yeah. They probably said I would continue to</p> <p>4 be paid while I was on leave.</p> <p>5 Q. Did the letter indicate the reason why you</p> <p>6 were being put on paid leave?</p> <p>7 A. I don't think so. But I don't recall.</p> <p>8 Q. You mentioned that the letter was close in</p> <p>9 time to when you commenced this lawsuit against Mr.</p> <p>10 Poulos. Was the reason why you were put on leave</p> <p>11 because you commenced this lawsuit against Mr. Poulos?</p> <p>12 A. Is the reason?</p> <p>13 Q. Yes.</p> <p>14 A. I don't -- I can only tell you what I felt</p> <p>15 and assumed at the time. I can't tell you what went</p> <p>16 into their conversations that led to it.</p> <p>17 Q. All right. Well, let's start with what you</p> <p>18 felt and assumed at the time. I assume you mean when</p> <p>19 you received the May 2019 letter?</p> <p>20 A. I assumed it was the next piece of the</p> <p>21 continuation of the nightmare that started with the</p> <p>22 letters and then was the next step after I filed suit.</p> <p>23 Q. Okay. So you did equate the paid leave to</p> <p>24 your commencement of the lawsuit against Mr. Poulos?</p> <p>25 MR. JUBB: Objection to the form of the</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. Quote from your lawyer, right?</p> <p>2 A. There was a publication. And I don't recall</p> <p>3 what it was, but the response to that -- in that was</p> <p>4 that I had been put on paid administrative leave.</p> <p>5 Q. Okay. So your belief is you were put on paid</p> <p>6 administrative leave because your lawsuit brought</p> <p>7 attention to the allegations and generated press, is</p> <p>8 that right?</p> <p>9 MR. JUBB: Objection. Asked and</p> <p>10 answered.</p> <p>11 THE WITNESS: I know that's what the</p> <p>12 school told the press. I don't recall if it</p> <p>13 was in a letter to me.</p> <p>14 BY MS. DOUGHERTY:</p> <p>15 Q. So it's your belief that the school told the</p> <p>16 press that you were put on paid leave because of the</p> <p>17 lawsuit?</p> <p>18 A. Yeah. I think we can confirm that.</p> <p>19 Q. And are you talking about like an article on</p> <p>20 line? Or in a newspaper? Or both? Do you remember</p> <p>21 the publication?</p> <p>22 A. I think there was something in Philly Mag.</p> <p>23 There was another. I don't recall what it was. But I</p> <p>24 think what I'm referring to where it was mentioned, the</p> <p>25 school was not named. But it was described in a way</p>
<p style="text-align: right;">Page 179</p> <p>1 question.</p> <p>2 BY MS. DOUGHERTY:</p> <p>3 Q. I realize you weren't inside their head.</p> <p>4 A. The timing was not coincidence, if that's</p> <p>5 what you're asking.</p> <p>6 Q. Here's what I'm getting at. You have told us</p> <p>7 all these people, including Mr. Lehman and Mr. Rees,</p> <p>8 who didn't credit the accusations of Mr. Poulos, right?</p> <p>9 The letters were several months before your paid leave.</p> <p>10 The proximity to the lawsuit and the paid leave suggest</p> <p>11 that the paid leave was as a result of the lawsuit. So</p> <p>12 is that your belief and assumption? I realize you</p> <p>13 weren't in Mr. Lehman's head or The Hill School's head.</p> <p>14 MR. JUBB: Objection to the form.</p> <p>15 BY MS. DOUGHERTY:</p> <p>16 Q. What did you believe, when you learned in May</p> <p>17 2019, you were being put on paid leave?</p> <p>18 A. If we can have a bit of a time line, it's</p> <p>19 very short. I can tell you that I don't recall that</p> <p>20 the letter said why. I can tell you that soon</p> <p>21 thereafter there was an article that showed up in some</p> <p>22 Philadelphia publication that mentioned it, in which</p> <p>23 the director of communications of the school -- it</p> <p>24 mentioned the lawsuit. Did not mention my name. That</p> <p>25 there was a --</p>	<p style="text-align: right;">Page 181</p> <p>1 that was pretty obvious.</p> <p>2 Q. You mean your complaint described the school</p> <p>3 in a way that was pretty obvious.</p> <p>4 MR. JUBB: Objection to the form.</p> <p>5 THE WITNESS: What I'm saying is the</p> <p>6 article that prompted this was described --</p> <p>7 the school was described in a way.</p> <p>8 BY MS. DOUGHERTY:</p> <p>9 Q. Are you talking about the article in Philly</p> <p>10 Mag?</p> <p>11 A. Yeah.</p> <p>12 Q. That was an article that quoted Mr. Beasley,</p> <p>13 right?</p> <p>14 MR. JUBB: No, it didn't. Objection to</p> <p>15 the form.</p> <p>16 MS. DOUGHERTY: No?</p> <p>17 BY MS. DOUGHERTY:</p> <p>18 Q. Did you read an article about your lawsuit</p> <p>19 that quoted a lawyer from the Beasley Firm?</p> <p>20 A. From the --</p> <p>21 Q. The Beasley Firm. The people who represent</p> <p>22 you in this lawsuit?</p> <p>23 A. I know. I didn't hear you. I don't believe</p> <p>24 they were quoted. Let me rephrase that. Yes. But I</p> <p>25 believe the quote was something to the effect of, we</p>

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182 to 185

<p style="text-align: right;">Page 182</p> <p>1 don't have a comment about it. That the courts will</p> <p>2 decide -- it will be handled through legal channels, or</p> <p>3 something.</p> <p>4 Q. Do you have any idea how the reporter</p> <p>5 connected your lawsuit to The Hill School?</p> <p>6 A. Elite private boarding schools in Montgomery</p> <p>7 County are pretty few.</p> <p>8 Q. An article you had in mind discussed an</p> <p>9 outing of Mr. Poulos as a survivor of sexual assault,</p> <p>10 right?</p> <p>11 MR. JUBB: Objection to the form. What</p> <p>12 -- what article are you talking about?</p> <p>13 MS. DOUGHERTY: The one he's talking</p> <p>14 about. Philly Mag.</p> <p>15 MR. JUBB: You're -- no. We're not</p> <p>16 doing this. You want to ask him questions</p> <p>17 about what the article said?</p> <p>18 MS. DOUGHERTY: He read it. He said it</p> <p>19 was a source of why he got put on leave.</p> <p>20 MR. JUBB: That's not what he said at</p> <p>21 all.</p> <p>22 MS. DOUGHERTY: He can tell me -- he can</p> <p>23 tell me -- he can --</p> <p>24 MR. JUBB: Objection to the form.</p> <p>25 MS. DOUGHERTY: He can tell me he</p>	<p style="text-align: right;">Page 184</p> <p>1 MR. JUBB: That you were talking about</p> <p>2 the article.</p> <p>3 MS. DOUGHERTY: We went through this</p> <p>4 before. Being unprofessional doesn't suit</p> <p>5 you.</p> <p>6 MR. JUBB: Being unprofessional does</p> <p>7 suit you, and I've seen it multiple times.</p> <p>8 I'm sitting here telling you, if you want to</p> <p>9 ask him about an article that he says he one</p> <p>10 time read and quiz him on that versus a</p> <p>11 complaint --</p> <p>12 MS. DOUGHERTY: You're the only one that</p> <p>13 gets upset about a compliment. By me telling</p> <p>14 you that being unprofessional doesn't suit</p> <p>15 you, you don't need to make little jabby</p> <p>16 comments. I'll ask -- I'm going to proceed</p> <p>17 with the question.</p> <p>18 BY MS. DOUGHERTY:</p> <p>19 Q. The article that you have in mind, which I</p> <p>20 think you identified as Philly Mag, is that right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did that article that you have in mind</p> <p>23 in Philly Mag, did that discuss Mr. Poulos?</p> <p>24 A. I don't recall. But I know it was in the</p> <p>25 Complaint. And I know Complaints are public records.</p>
<p style="text-align: right;">Page 183</p> <p>1 doesn't remember. He can tell me a lot of</p> <p>2 things.</p> <p>3 MR. JUBB: Do you know what it says?</p> <p>4 Because you seem to be saying a lot of things</p> <p>5 that it doesn't say. So I just want to make</p> <p>6 sure we're talking about the same one.</p> <p>7 MS. DOUGHERTY: I remember the article,</p> <p>8 because at the time I thought it was</p> <p>9 disgusting that you took the position that</p> <p>10 you would redact the school and your client's</p> <p>11 name, but not the sexual assault survivor and</p> <p>12 reveal personal health information about Mr.</p> <p>13 Poulos in a public filing.</p> <p>14 MR. JUBB: Then you should read it</p> <p>15 again. Because you were wrong the first</p> <p>16 time and you're wrong now.</p> <p>17 MS. DOUGHERTY: So is your -- does your</p> <p>18 Complaint redact Mr. Poulos's name or in any</p> <p>19 way protect his health information?</p> <p>20 MR. JUBB: What does that have to do</p> <p>21 with an article? Are you asking about the</p> <p>22 Complaint? Or are you asking about the</p> <p>23 article? That's what I thought.</p> <p>24 MS. DOUGHERTY: That's what you thought</p> <p>25 what?</p>	<p style="text-align: right;">Page 185</p> <p>1 Q. Why did you redact your name but not Mr.</p> <p>2 Poulos's name?</p> <p>3 MR. JUBB: You don't have to answer that</p> <p>4 question. You don't have to answer that</p> <p>5 question.</p> <p>6 MS. DOUGHERTY: Why not?</p> <p>7 MR. JUBB: Because I drafted the</p> <p>8 Complaint as a lawyer, and you're not going</p> <p>9 to ask him why the Complaint was drafted in a</p> <p>10 particular way.</p> <p>11 MS. DOUGHERTY: Well, actually --</p> <p>12 MR. JUBB: If you want to ask him about</p> <p>13 the allegations in the Complaint and, you</p> <p>14 know, what he knows to support them or</p> <p>15 corroborate them, et cetera, by all means.</p> <p>16 But you're not going to ask him about why</p> <p>17 there are certain, you know, strategy in a</p> <p>18 Complaint.</p> <p>19 MS. DOUGHERTY: I didn't ask about</p> <p>20 stratgy.</p> <p>21 MR. JUBB: You are asking him why he was</p> <p>22 named as a Doe in a Complaint.</p> <p>23 MS. DOUGHERTY: Can you look and find</p> <p>24 the place where the plaintiff says where he</p> <p>25 wanted to file as a Doe. I underlined it. I</p>

<p style="text-align: right;">Page 186</p> <p>1 just can't find it. Don't want to make</p> <p>2 everyone sit here and stare at me.</p> <p>3 BY MS. DOUGHERTY:</p> <p>4 Q. If you had sexually molested Mr. Poulos would</p> <p>5 you have admitted it?</p> <p>6 MR. JUBB: Objection to the form.</p> <p>7 THE WITNESS: I -- I can't know what it</p> <p>8 would be to do that, because I didn't and --</p> <p>9 BY MS. DOUGHERTY:</p> <p>10 Q. I'm asking you, if you had molested a child,</p> <p>11 when you were accused of doing it would you have</p> <p>12 admitted it and taken responsibility?</p> <p>13 MR. JUBB: Objection. Just -- don't</p> <p>14 answer the question. It's harassing.</p> <p>15 MS. DOUGHERTY: Why?</p> <p>16 MR. JUBB: It's stupid. It's quite</p> <p>17 possibly the dumbest question I've ever</p> <p>18 heard. You're asking him about what he would</p> <p>19 do --</p> <p>20 MS. DOUGHERTY: I'm sorry, What</p> <p>21 objection is that?</p> <p>22 MR. JUBB: No, no. It's the -- it's</p> <p>23 harassing. It's causing him to speculate.</p> <p>24 MS. DOUGHERTY: Where is stupid in the</p> <p>25 Federal rules of civil procedure?</p>	<p style="text-align: right;">Page 188</p> <p>1 MR. JUBB: Don't answer that question.</p> <p>2 That's ridiculous. Even for you. That is</p> <p>3 so --</p> <p>4 MS. DOUGHERTY: Even for me?</p> <p>5 MR. JUBB: -- harassing. Asking him to</p> <p>6 answer a question like that. He just told</p> <p>7 you he's never done anything inappropriate</p> <p>8 with a -- with a child. And then you want</p> <p>9 him to speculate what he would do if he did?</p> <p>10 MS. DOUGHERTY: I want to know if he</p> <p>11 would take responsibility for his actions.</p> <p>12 MR. JUBB: Well, why don't you ask him</p> <p>13 if -- go ahead. No. Ask a thoughtful</p> <p>14 question. That's ridiculous.</p> <p>15 MS. DOUGHERTY: I did ask a thoughtful</p> <p>16 question.</p> <p>17 BY MS. DOUGHERTY:</p> <p>18 Q. So you're not going to answer whether you</p> <p>19 would take responsibility if you had engaged in</p> <p>20 misconduct with Mr. Poulos?</p> <p>21 A. Am I --</p> <p>22 MR. JUBB: Answer it. Hold on. Hold</p> <p>23 on.</p> <p>24 THE WITNESS: Okay.</p> <p>25 MR. JUBB: He is not answering any sort</p>
<p style="text-align: right;">Page 187</p> <p>1 MR. JUBB: I'm explaining to you what --</p> <p>2 what the rules you want to -- are you going</p> <p>3 to let me finish?</p> <p>4 MS. DOUGHERTY: Are you instructing him</p> <p>5 not to answer?</p> <p>6 MR. JUBB: I already did instruct him</p> <p>7 not to answer, because you're trying to</p> <p>8 harass him, asking him ridiculous questions.</p> <p>9 MS. DOUGHERTY: It's not ridiculous.</p> <p>10 MR. JUBB: It's harassing. If you had</p> <p>11 sexually abused someone --</p> <p>12 MS. DOUGHERTY: Yeah.</p> <p>13 MR. JUBB: -- how would you have</p> <p>14 responded? And he's like, "That's not true."</p> <p>15 MS. DOUGHERTY: He's going to lie about</p> <p>16 it either way. It really definitely --</p> <p>17 MR. JUBB: Is that your position here</p> <p>18 now?</p> <p>19 MS. DOUGHERTY: -- his credibility.</p> <p>20 MR. JUBB: Okay. Go ahead. Ask a</p> <p>21 thoughtful question.</p> <p>22 BY MS. DOUGHERTY:</p> <p>23 Q. If you had sexually abused Mr. Poulos would</p> <p>24 you have admitted and taken responsibility when he</p> <p>25 accused you?</p>	<p style="text-align: right;">Page 189</p> <p>1 of questions about how he would respond if he</p> <p>2 did do something with Mr. Poulos. If you</p> <p>3 want to ask him about how he's ever responded</p> <p>4 to being -- of any sort of inappropriate</p> <p>5 conduct as it pertains to just being a</p> <p>6 teacher, whatever, that I'll allow. But</p> <p>7 you're not going to let -- you're not going</p> <p>8 to ask a question about him imagining how he</p> <p>9 would respond if he did do something that</p> <p>10 he's very adamantly said never occurred.</p> <p>11 MS. DOUGHERTY: I'm just trying to</p> <p>12 understand what kind of man he is.</p> <p>13 MR. JUBB: Why don't you ask better</p> <p>14 questions.</p> <p>15 MS. DOUGHERTY: Is he somebody who takes</p> <p>16 responsibility when he makes mistakes.</p> <p>17 MR. JUBB: Okay. Ask that question.</p> <p>18 MS. DOUGHERTY: That's what I'm trying</p> <p>19 to learn. That's what I did learn.</p> <p>20 MR. JUBB: No, no.</p> <p>21 MS. DOUGHERTY: I asked him --</p> <p>22 BY MS. DOUGHERTY:</p> <p>23 Q. I asked you, would you take responsibility</p> <p>24 for your actions if you had engaged in misconduct with</p> <p>25 a student?</p>

<p style="text-align: right;">Page 190</p> <p>1 MR. JUBB: Don't answer that question.</p> <p>2 Why don't you ask are you the type of</p> <p>3 teacher --</p> <p>4 MS. DOUGHERTY: What are you afraid of?</p> <p>5 MR. JUBB: What am I afraid of? You're</p> <p>6 asking him to speculate how he would respond</p> <p>7 if he did something horrific, which he's</p> <p>8 already told you he hasn't. So why don't you</p> <p>9 say have you ever had to report yourself for</p> <p>10 misconduct for any reason. Why don't you ask</p> <p>11 more thoughtful questions? And I won't</p> <p>12 object to them. Then you can figure out what</p> <p>13 kind of man he is. Asking a question like</p> <p>14 that isn't going to do it.</p> <p>15 MS. DOUGHERTY: This isn't going to be</p> <p>16 counted as my time, so we're going to mark</p> <p>17 the time if you keep spouting off.</p> <p>18 BY MS. DOUGHERTY:</p> <p>19 Q. So you're not going to answer my question,</p> <p>20 Mr. Ralston?</p> <p>21 MR. JUBB: Don't answer that. You're</p> <p>22 not answering any question until she asks a</p> <p>23 good one. So that question was ridiculous</p> <p>24 MS. DOUGHERTY: Until I ask a good one?</p> <p>25 Are you kidding me? Move to strike.</p>	<p style="text-align: right;">Page 192</p> <p>1 A. When I was teaching at The Andrews School.</p> <p>2 Probably 1987, '88. It was. Not probably. It was.</p> <p>3 So it was 1987, '88 school year. I told a young woman</p> <p>4 to shut her fucking mouth.</p> <p>5 Q. A student?</p> <p>6 A. Student.</p> <p>7 Q. A minor student?</p> <p>8 A. She was -- she was a junior in high school.</p> <p>9 Q. I just didn't know if The Andrews School was</p> <p>10 a college or high school. I apologize.</p> <p>11 A. It's a college prep school. At the time it</p> <p>12 was for all girls.</p> <p>13 Q. Okay. So the student that you told to what?</p> <p>14 A. I told her to shut her fucking mouth.</p> <p>15 Q. She was under 18, right?</p> <p>16 A. I don't know. She was a junior in high</p> <p>17 school, so probably, but maybe not. I don't know.</p> <p>18 Q. What caused you to tell her to shut her</p> <p>19 fucking mouth?</p> <p>20 A. My temper. What provoked me was she was</p> <p>21 being insubordinate in third person to me and I had</p> <p>22 asked her to be quiet a few times and I lost my temper.</p> <p>23 Q. Do you have a temper?</p> <p>24 A. Well, not generally with kids. Not generally</p> <p>25 with adolescents. Most of my intolerance is with</p>
<p style="text-align: right;">Page 191</p> <p>1 MR. JUBB: Until you ask him an</p> <p>2 appropriate question.</p> <p>3 MS. DOUGHERTY: Move to strike. First</p> <p>4 of all, it's 2:58. I move to strike your</p> <p>5 comments. I don't make sport of your</p> <p>6 questions. I sat there and listened to</p> <p>7 plenty that I thought were thoughtless and</p> <p>8 rude and harassing. And, you know, let you</p> <p>9 victim shame. But, you know, without</p> <p>10 comment. Because it's not appropriate to</p> <p>11 make sport of someone else's questions. So</p> <p>12 what type of objection is that?</p> <p>13 MR. JUBB: Why don't you ask a question</p> <p>14 again and I'll make another objection.</p> <p>15 BY MS. DOUGHERTY:</p> <p>16 Q. Sir, if you had sexually molested Mr. Poulos</p> <p>17 would you have admitted to your conduct when Mr. Poulos</p> <p>18 accused you and taken responsibility for your actions?</p> <p>19 MR. JUBB: Don't answer that question.</p> <p>20 BY MS. DOUGHERTY:</p> <p>21 Q. Have you ever reported yourself for a</p> <p>22 misconduct?</p> <p>23 A. Yes.</p> <p>24 Q. When did you report yourself for a</p> <p>25 misconduct?</p>	<p style="text-align: right;">Page 193</p> <p>1 adults. I think I'm one of -- no. To answer your</p> <p>2 question. When I'm working with children, no. That</p> <p>3 probably was the incident that changed my outlook on</p> <p>4 things.</p> <p>5 Q. You mean your -- what do you mean your</p> <p>6 outlook on things?</p> <p>7 A. I checked where my -- I left the incident, I</p> <p>8 went to the headmaster and told him what I had done. I</p> <p>9 said I'm pretty sure you're going to hear about this,</p> <p>10 so I want you to know what I did. And his response to</p> <p>11 me was, one, he was supportive. Thanked me for coming.</p> <p>12 Letter into my file, which I no longer have, I don't</p> <p>13 think. But he explained to me that my standards were</p> <p>14 good. That my expectations were out of line.</p> <p>15 And so what I took that -- what I adjusted in</p> <p>16 my career with adolescents from that point on, was I</p> <p>17 made my expectations more commensurate with their age,</p> <p>18 or more in line with their age. And what was fair to</p> <p>19 expect with a child. An adolescent. And our goal</p> <p>20 became the standards. My response to adolescents</p> <p>21 became the expectation.</p> <p>22 Q. What is your definition of adolescent?</p> <p>23 A. For me it's been high school kids, because</p> <p>24 that's who I taught.</p> <p>25 Q. So before the incident with the young woman,</p>

<p style="text-align: right;">Page 194</p> <p>1 I think you said in 1987 to 1988, did you have a temper</p> <p>2 with adolescents?</p> <p>3 A. No.</p> <p>4 Q. What is it that you checked or reevaluated --</p> <p>5 MR. JUBB: Objection to the form.</p> <p>6 BY MS. DOUGHERTY:</p> <p>7 Q. -- as a result of the incident?</p> <p>8 A. How my expectations aligned with my</p> <p>9 standards. The headmaster, again, told me that my</p> <p>10 standards were right and good, and it was my</p> <p>11 expectations I needed to adjust.</p> <p>12 Q. Are you still intolerant with adults?</p> <p>13 MR. JUBB: Objection to the form.</p> <p>14 THE WITNESS: Not temper wise. I expect</p> <p>15 adults that figured some things out. And I</p> <p>16 don't -- that don't expect adolescents to</p> <p>17 have figured out. Mostly that the world</p> <p>18 doesn't revolve around them.</p> <p>19 BY MS. DOUGHERTY:</p> <p>20 Q. So did the student complain to the school</p> <p>21 about you?</p> <p>22 A. She did. Actually I don't know if she did.</p> <p>23 Her parents did.</p> <p>24 Q. Okay. So did you participate in responding</p> <p>25 to discovery in this action?</p>	<p style="text-align: right;">Page 196</p> <p>1 document with a certificate of service. Have you seen</p> <p>2 the document that I've marked as D-16 before I just</p> <p>3 handed it to you today?</p> <p>4 A. Yes.</p> <p>5 Q. Did you participate in preparing responses to</p> <p>6 the questions that are identified throughout D-16?</p> <p>7 A. Yes.</p> <p>8 Q. I'm going to direct your attention to the</p> <p>9 fourth page of D-16. To number four. It says,</p> <p>10 "Identify and provide contact information for each and</p> <p>11 every person who complained about you." It says,</p> <p>12 "Plaintiff objects to this request as overly broad and</p> <p>13 duly burdensome, vague, confusing and without waiver,</p> <p>14 none." So that's incorrect, right?</p> <p>15 A. Um.</p> <p>16 Q. The none part.</p> <p>17 A. I'm sorry, the what part?</p> <p>18 Q. The none part. I realize I'm not asking you</p> <p>19 to comment about the objection. Because the parents of</p> <p>20 the students you just told me about did complain about</p> <p>21 you, right?</p> <p>22 A. I don't see that it says none.</p> <p>23 Q. It says without waiver, none.</p> <p>24 A. Oh, without waiver. Yeah. I guess. Yes.</p> <p>25 Q. So the parents --</p>
<p style="text-align: right;">Page 195</p> <p>1 A. I'm sorry. I didn't hear you.</p> <p>2 Q. I'm sorry. Did you participate in responding</p> <p>3 to discovery in this action?</p> <p>4 A. In this action?</p> <p>5 Q. Yes. The one that you filed against Mr.</p> <p>6 Poulos and Mr. Garabedian?</p> <p>7 A. Can you --</p> <p>8 Q. Sure.</p> <p>9 A. I'm not sure what -- what you're -- about</p> <p>10 what you're asking.</p> <p>11 Q. Sure. That's fine.</p> <p>12 MR. JUBB: She'll show you.</p> <p>13 MS. DOUGHERTY: We're at 16, I think,</p> <p>14 right?</p> <p>15 * * *</p> <p>16 (Whereupon, the above-mentioned document</p> <p>17 was marked for identification as D-16.)</p> <p>18 * * *</p> <p>19 BY MS. DOUGHERTY:</p> <p>20 Q. Mr. Ralston, I'm showing a document that I've</p> <p>21 marked D-16. It says plaintiff's responses to the</p> <p>22 first set of Interrogatories of defendants, Mr.</p> <p>23 Garabedian, Esquire, and Mr. Garabedian, Esquire,</p> <p>24 d/b/a, Law Offices of Mitchell Garabedian, to</p> <p>25 plaintiff. And the document is 11 pages. Ten page</p>	<p style="text-align: right;">Page 197</p> <p>1 A. There --</p> <p>2 Q. -- of the students at Saint -- I'm sorry, The</p> <p>3 Andrews School. I'm getting a little British Royals,</p> <p>4 right?</p> <p>5 A. I can tell you, it's no longer just called</p> <p>6 that.</p> <p>7 Q. So do you remember the student's name?</p> <p>8 A. Yeah. Her name was --</p> <p>9 MR. JUBB: Hold on. Just answer yes or</p> <p>10 no first.</p> <p>11 THE WITNESS: Oh. Yes.</p> <p>12 BY MS. DOUGHERTY:</p> <p>13 Q. Okay. What was the student's name?</p> <p>14 A. Her name was Rebecca Turner.</p> <p>15 Q. Is Ms. Turner deceased? Is that why you're</p> <p>16 stressing was?</p> <p>17 A. No. I have no idea if she was married or</p> <p>18 changed her name. As a student that was her name.</p> <p>19 Q. Did anyone else, a student or a parent, ever</p> <p>20 complain about you?</p> <p>21 A. When? Otherwise?</p> <p>22 Q. Sure. I just want to make sure that -- well,</p> <p>23 do we agree, going back to number four on D-16, that</p> <p>24 where it says without waiver, none, it should --</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 198</p> <p>1 Q. -- it should say, yes, Rebecca Turner's</p> <p>2 parents?</p> <p>3 A. I -- I know they did. I don't know if she</p> <p>4 went to the headmaster and then her parents. Or if she</p> <p>5 went to her parents. My guess would be she went to her</p> <p>6 parents and then her parents came to the school.</p> <p>7 Q. Okay. But the none should at least say</p> <p>8 Rebecca Turner's parents, right? Because the parents</p> <p>9 complained about you, right?</p> <p>10 A. I assume they did. I -- I mean. I --</p> <p>11 Q. I thought you just told me they did.</p> <p>12 A. I'm telling you I don't know who contacted</p> <p>13 the headmaster.</p> <p>14 Q. Oh. You don't know if it was Rebecca Turner</p> <p>15 or her parents?</p> <p>16 A. I told you I don't know if it was Rebecca</p> <p>17 Turner or her parents.</p> <p>18 Q. Okay. So it should say, yes, Rebecca Turner</p> <p>19 or Rebecca Turner's parents complained about an</p> <p>20 incident with Rebecca Turner. Right?</p> <p>21 MR. JUBB: I'll object to the form.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MS. DOUGHERTY:</p> <p>24 Q. Is there anyone else, a student or parent,</p> <p>25 who's complained about you?</p>	<p style="text-align: right;">Page 200</p> <p>1 it was filed. So I was at least aware.</p> <p>2 Q. Do you agree that --</p> <p>3 A. It was filed as such. And I would have been</p> <p>4 aware that it was. So to the extent that that implies</p> <p>5 consent, yes. Because I don't recall we argued about</p> <p>6 it or anything.</p> <p>7 Q. So you weren't concerned with sharing Mr.</p> <p>8 Poulos's identity and this health information?</p> <p>9 A. No.</p> <p>10 Q. Do you agree that being labeled a survivor of</p> <p>11 sexual assault can subject someone to public judgment,</p> <p>12 hatred, contempt and ridicule?</p> <p>13 A. Ask -- can you repeat it again?</p> <p>14 Q. Sure. Do you agree that being labeled a sex</p> <p>15 -- sexual assault survivor would subject someone to</p> <p>16 public judgment, hatred, contempt and ridicule.</p> <p>17 MR. JUBB: I'll object. Go for it. Go</p> <p>18 ahead.</p> <p>19 THE WITNESS: Being labeled as a</p> <p>20 survivor would subject them to all of that?</p> <p>21 BY MS. DOUGHERTY:</p> <p>22 Q. Yeah. Do you think people think highly of</p> <p>23 sex abuse victims?</p> <p>24 MR. JUBB: Objection to the form.</p> <p>25 THE WITNESS: I can't -- I don't think</p>
<p style="text-align: right;">Page 199</p> <p>1 A. Not that I'm aware of.</p> <p>2 Q. While we're on this document, D-16, if I can</p> <p>3 direct your attention to page 8, number 11. So, again,</p> <p>4 the response to number 11 says -- there's an objection.</p> <p>5 Plaintiff objects, right. And it says, "Without</p> <p>6 waiver, Mr. Garabedian knows better than most people</p> <p>7 the significance of abuse of a young person and</p> <p>8 therefore is acutely aware of the importance of being</p> <p>9 certain of allegations before spreading them. Such</p> <p>10 allegations immediately subject the accused to public</p> <p>11 judgment, hatred, contempt and ridicule. Plaintiff has</p> <p>12 filed as John Doe for this reason." Did you</p> <p>13 participate in the response that I just read to you?</p> <p>14 A. Yes.</p> <p>15 Q. So you participated in the decision to hide</p> <p>16 your name when you filed this lawsuit, is that right?</p> <p>17 A. Yes.</p> <p>18 Q. Is there a reason why you -- let me start</p> <p>19 again. Did you participate in the decision to not</p> <p>20 obscure Mr. Poulos's name?</p> <p>21 A. I don't -- is there a reason?</p> <p>22 Q. I just want to know if you participated in</p> <p>23 the decision to not also obscure Mr. Poulos's name, or</p> <p>24 Mr. Poulos's health information.</p> <p>25 A. I don't recall. I saw the complaint before</p>	<p style="text-align: right;">Page 201</p> <p>1 there's a general answer to that. I think --</p> <p>2 I don't think highly of people one way or the</p> <p>3 other until I know them. And so I wouldn't</p> <p>4 judge, thinking highly of someone based on</p> <p>5 that. I would feel horrible for somebody.</p> <p>6 Because I can't know what that would be, to</p> <p>7 be a survivor of that.</p> <p>8 As I said, I think it's the most heinous</p> <p>9 thing an adult can do to a child. And so I</p> <p>10 can't imagine that it doesn't live with you</p> <p>11 your whole life.</p> <p>12 BY MS. DOUGHERTY:</p> <p>13 Q. Did you consider whether revealing that Mr.</p> <p>14 Poulos suffers from a number of injuries, including</p> <p>15 sexuality problems, self harm, suicidal ideation,</p> <p>16 sharing that information publicly, associating it with</p> <p>17 Mr. Poulos, would subject Mr. Poulos to public</p> <p>18 judgment, hatred, contempt and ridicule?</p> <p>19 MR. JUBB: Objection to the form.</p> <p>20 THE WITNESS: I don't know that I would</p> <p>21 use all those words. I would think someone</p> <p>22 that's got those would be people's</p> <p>23 perspectives, when they meet them or already</p> <p>24 know them, would be impacted or affected.</p> <p>25 But, again, ridicule, judgment, and what</p>

<p style="text-align: right;">Page 202</p> <p>1 some of those other words are --</p> <p>2 BY MS. DOUGHERTY:</p> <p>3 Q. Public judgment, hatred, contempt and</p> <p>4 ridicule. They're part of your answer.</p> <p>5 A. Hatred, contempt and ridicule. Are we on</p> <p>6 number four?</p> <p>7 Q. We were on number 11.</p> <p>8 A. Or 11, I mean?</p> <p>9 Q. Yeah. In the middle of the paragraph. It</p> <p>10 says such allegations subject accused to public</p> <p>11 judgment, hatred, contempt and ridicule, as it relates</p> <p>12 to you being the accused of a perpetrator of sexual</p> <p>13 assault. And I'm asking you, because you -- you -- you</p> <p>14 didn't reveal your name, but you revealed --</p> <p>15 A. I don't --</p> <p>16 Q. -- Mr. Poulos's name. And you revealed</p> <p>17 information about Mr. Poulos regarding assault and</p> <p>18 injuries, some of which I just identified for you.</p> <p>19 Sexual inadequacies, self harm, suicidal ideation, that</p> <p>20 would expose Mr. Poulos to public judgment, hatred,</p> <p>21 contempt and ridicule. Don't you agree?</p> <p>22 MR. JUBB: Objection to the form.</p> <p>23 THE WITNESS: I don't know why it would</p> <p>24 subject a person to hatred, contempt and</p> <p>25 ridicule. Public judgment. If someone</p>	<p style="text-align: right;">Page 204</p> <p>1 paid administrative leave. And so they were aware of</p> <p>2 the allegations and how I had responded. They don't --</p> <p>3 they've never seen or been told about specific letters</p> <p>4 or content beyond the fact that I was accused of this.</p> <p>5 Q. Okay. Did I otherwise identify everyone that</p> <p>6 you told about the April 11th, 2018 letter that's been</p> <p>7 marked D-15?</p> <p>8 A. Yes. That I told about the letters, yes.</p> <p>9 Q. Do you have any information about who</p> <p>10 received the letter from a source other than you?</p> <p>11 A. Again? I'm sorry.</p> <p>12 Q. Yeah. Do you have any information about who</p> <p>13 else received the letter?</p> <p>14 A. Yes.</p> <p>15 Q. What information do you have about who else</p> <p>16 received the letter?</p> <p>17 A. I know Ms. --</p> <p>18 Q. And by the way, the letter --</p> <p>19 A. As it was mailed? Or do you mean copies</p> <p>20 thereof?</p> <p>21 Q. Let's just start with the letter being -- I</p> <p>22 want to know what information you have about</p> <p>23 individuals who received the April 11th, 2018 letter</p> <p>24 that's been marked as D-15 from a source other than</p> <p>25 you.</p>
<p style="text-align: right;">Page 203</p> <p>1 suffers from those things, I don't know if</p> <p>2 judgment's the right word, but I would expect</p> <p>3 it to affect someone's feeling towards that</p> <p>4 person. Compassionate person is probably not</p> <p>5 going to be contempt -- full of contempt,</p> <p>6 hatred and ridicule. So I don't know. I</p> <p>7 don't -- those are not words I would use if I</p> <p>8 knew that about somebody.</p> <p>9 BY MR. DOUGHERTY:</p> <p>10 Q. You didn't show any compassion to Mr. Poulos,</p> <p>11 though, right?</p> <p>12 MR. JUBB: I'll -- objection to the</p> <p>13 form. You don't have to answer that.</p> <p>14 BY MS. DOUGHERTY:</p> <p>15 Q. All right. I just want to make sure we</p> <p>16 closed the loop on everyone that you told about the</p> <p>17 April 11th, 2018 letter that was marked as D-15. You</p> <p>18 told me the doctor, the counselor, Mr. Neese, Mr.</p> <p>19 Yinger, Mr. Hopkins, Mark Ralston, Chris C. Your sons.</p> <p>20 Your wife. And you communicated to Mr. Rees, but you</p> <p>21 said that Mr. Rees already knew about it. Did I miss</p> <p>22 anybody that you told about the April 11th, 2018 letter</p> <p>23 that has been marked as D-15?</p> <p>24 A. I -- I actually did not tell my sons about</p> <p>25 the letter. I didn't tell my sons until I was put on</p>	<p style="text-align: right;">Page 205</p> <p>1 A. I know people knew of them. I don't know</p> <p>2 that he handed copies. But I assume he probably did.</p> <p>3 Q. Who is the he?</p> <p>4 A. Mr. Lehman. I'll get there. So Mr. Lehman</p> <p>5 told me at one point that he had shared it with the</p> <p>6 legal committee and the Board of Trustees. And he had</p> <p>7 shared it with the associate headmaster of the school,</p> <p>8 who, at that time, was a gentleman named Len Miller. I</p> <p>9 can't tell you everybody on the legal committee. I</p> <p>10 know the Chairman of the Board would be a member of</p> <p>11 that. And I know two other people that I'm sure are on</p> <p>12 it. Or were at the time, assuming they're still</p> <p>13 trustees. Probably still are if they are.</p> <p>14 Q. Okay. So Mr. Lehman told you that he shared</p> <p>15 the April 11th, 2018 that's been marked D-15 with the</p> <p>16 legal committee?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 A. Now, ask the time frame of your question.</p> <p>20 Did he share the letter with them?</p> <p>21 Q. At the moment I'm just restricting my</p> <p>22 questions to the April 11th, 2018 letter. I'm going to</p> <p>23 ask about the next one next.</p> <p>24 A. Okay.</p> <p>25 Q. So did I misunderstand? I thought you were</p>

July 01, 2021

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<p style="text-align: right;">Page 206</p> <p>1 saying that he told you.</p> <p>2 A. Yeah. I'm sorry. I was -- I don't think Mr.</p> <p>3 Lehman shared that with me until January. When I was</p> <p>4 on campus in January of 2019.</p> <p>5 Q. Okay. So -- sorry.</p> <p>6 A. So that would have been two letters. I</p> <p>7 assume, because there's a -- it's a million dollar</p> <p>8 demand, I assume that at least Tom Rees knew, which I</p> <p>9 knew I was right when I asked. And at least the board</p> <p>10 chair. And I would then have assumed, or did assume,</p> <p>11 that it would go beyond the board chair and Mr. Rees,</p> <p>12 based on what they -- how they decided they wanted to</p> <p>13 proceed. And I can't tell you what that is.</p> <p>14 Q. Okay. So you assume that the April 11th,</p> <p>15 2018 letter was provided to the board chair?</p> <p>16 A. I do.</p> <p>17 Q. Okay. Do you have actual information that</p> <p>18 the April 11th, 2018 letter was provided to the board</p> <p>19 chair?</p> <p>20 A. Just my experience that --</p> <p>21 Q. No. I'm asking for actual information.</p> <p>22 A. No.</p> <p>23 MR. JUBB: I'll object to the form.</p> <p>24 BY MS. DOUGHERTY:</p> <p>25 Q. So Mr. Lehman didn't tell you that he</p>	<p style="text-align: right;">Page 208</p> <p>1 of, after the April 11th, 2018 letter? After you</p> <p>2 learned about it in April 2018?</p> <p>3 A. After -- after the letter and after my first</p> <p>4 conversation, I -- when Mr. Rees told me that there</p> <p>5 would be, I checked in with him monthly to see if there</p> <p>6 had been any progress or change. What I was told by</p> <p>7 him, each time, was that he had heard nothing back from</p> <p>8 Mr. Garabedian. I don't know if the school did any</p> <p>9 part of their investigation, speaking with people they</p> <p>10 would have had to speak with or not.</p> <p>11 Q. Okay. So you don't know one way or the other</p> <p>12 whether The Hill School performed an investigation into</p> <p>13 the April 11th, 2018 letter, is that right?</p> <p>14 A. I know they tried to. I don't know if they</p> <p>15 spoke to anyone or not.</p> <p>16 Q. What do you mean they tried to?</p> <p>17 A. I know Mr. Rees told me that he had</p> <p>18 repeatedly reached out to Mr. Garabedian and he was not</p> <p>19 getting responses. And his reaching out, as he told</p> <p>20 me, was to try and get -- get Mr. Poulos to cooperate</p> <p>21 in a -- in the investigation.</p> <p>22 Q. Were you ever asked questions about the April</p> <p>23 11th, 2018 letter?</p> <p>24 A. No.</p> <p>25 Q. So no one at the school ever questioned you</p>
<p style="text-align: right;">Page 207</p> <p>1 provided the April 11th, 2018 letter to the board</p> <p>2 chair, is that right?</p> <p>3 A. That's correct.</p> <p>4 Q. So if I wanted to know whether the board</p> <p>5 chair was provided the April 11th, 2018 letter, I would</p> <p>6 have to ask Mr. Lehman or the board chair, right?</p> <p>7 A. As far as I know. Perhaps Mr. Rees.</p> <p>8 Q. You didn't ask Mr. Rees who else was</p> <p>9 provided --</p> <p>10 A. I did not.</p> <p>11 Q. -- the April 11th, 2018 letter, is that</p> <p>12 right?</p> <p>13 A. I did not.</p> <p>14 Q. All right. Do you have any information about</p> <p>15 anyone else who was provided the April 11th, 2018</p> <p>16 letter?</p> <p>17 A. I do not.</p> <p>18 Q. Did I already give you D-4? The December</p> <p>19 26th, 2018?</p> <p>20 A. No.</p> <p>21 MS. DOUGHERTY: It was previously</p> <p>22 marked.</p> <p>23 BY MS. DOUGHERTY:</p> <p>24 Q. Before we get to that, before we get to D-4.</p> <p>25 So was there any type of investigation, that you know</p>	<p style="text-align: right;">Page 209</p> <p>1 for -- about your side of the April 11th, 2018 letter,</p> <p>2 or the accusations contained in the April 11th, 2018</p> <p>3 letter?</p> <p>4 A. No. But --</p> <p>5 Q. How about the police?</p> <p>6 A. No.</p> <p>7 Q. How about someone from Cozen O'Connor?</p> <p>8 A. Never contacted me. Mr. Rees told me in the</p> <p>9 first conversation that they might, but I never heard</p> <p>10 from them.</p> <p>11 Q. Did Mr. Rees ask you any information about</p> <p>12 the April 11th, 2018 letter?</p> <p>13 A. No.</p> <p>14 Q. Were you disciplined as a result of the April</p> <p>15 11th, 2018 letter?</p> <p>16 A. I'm not working there any longer.</p> <p>17 Q. Yeah, but do you know that you're not working</p> <p>18 there any longer because of the April 11th, 2018</p> <p>19 letter, or because of your lawsuit?</p> <p>20 A. I don't know how to differentiate.</p> <p>21 Q. So you don't know one way or the other</p> <p>22 whether you were disciplined as a result of the April</p> <p>23 11th, 2018 letter?</p> <p>24 A. I don't know how to differentiate those --</p> <p>25 that sequence of events.</p>

<p style="text-align: right;">Page 210</p> <p>1 Q. Really? You don't know how to --</p> <p>2 A. Oh, I -- I understand how --</p> <p>3 Q. -- differentiate an April 11th, 2018 letter</p> <p>4 and your lawsuit filed more than a year later?</p> <p>5 A. I understand how a person can look at a time</p> <p>6 line and differentiate the steps and what the next step</p> <p>7 was. But it's all part of the same time line in my --</p> <p>8 in my life and in my experience.</p> <p>9 Q. Well, the April 11th, 2018 letter wasn't made</p> <p>10 public, right? Like your lawsuit.</p> <p>11 A. I --</p> <p>12 Q. Right?</p> <p>13 A. As far as I know. I mean, I --</p> <p>14 Q. So you didn't experience any adverse action</p> <p>15 from the school until after you made public the</p> <p>16 allegations in your lawsuit, is that right?</p> <p>17 MR. JUBB: Objection to the form.</p> <p>18 THE WITNESS: I can tie why I feel the</p> <p>19 way I feel for you.</p> <p>20 BY MS. DOUGHERTY:</p> <p>21 Q. Okay. The school didn't --</p> <p>22 A. The specific --</p> <p>23 Q. Listen. The school didn't lower your salary</p> <p>24 when they received the April 11th, 2018 letter, did</p> <p>25 they?</p>	<p style="text-align: right;">Page 212</p> <p>1 A. He did.</p> <p>2 Q. So you -- you sustained -- and even after the</p> <p>3 second letter in December 2018, you weren't fired then,</p> <p>4 right?</p> <p>5 A. No.</p> <p>6 Q. And you agree with me, we're going to look at</p> <p>7 it in more detail, that the content of the second</p> <p>8 letter, December 2018 letter, that includes serious</p> <p>9 child abuse, is that right?</p> <p>10 A. Yes. It is.</p> <p>11 Q. And if the school credited it, you should</p> <p>12 have been immediately fired, correct?</p> <p>13 A. Correct.</p> <p>14 Q. In fact, you should have been hauled off in</p> <p>15 handcuffs, right? Do you agree with me?</p> <p>16 A. Right. I do.</p> <p>17 Q. That someone who sexually assaults a child</p> <p>18 belongs in jail, right?</p> <p>19 A. I agree.</p> <p>20 Q. Okay. So that didn't happen, though, right?</p> <p>21 A. That did not.</p> <p>22 Q. Your salary wasn't lowered. Nobody asked you</p> <p>23 to leave, right?</p> <p>24 A. Correct.</p> <p>25 Q. In fact, you started working on campus in</p>
<p style="text-align: right;">Page 211</p> <p>1 A. No.</p> <p>2 Q. The school didn't fire you when they received</p> <p>3 the April 11th, 2018 letter, right?</p> <p>4 A. No.</p> <p>5 Q. Do you agree with me the content of the April</p> <p>6 11th, 2018 letter is serious child abuse allegations?</p> <p>7 Do you agree with me?</p> <p>8 A. Yes.</p> <p>9 Q. So you agree with me that if the school</p> <p>10 credited the allegations in the April 11th, 2018</p> <p>11 letter, you should have been immediately fired?</p> <p>12 A. Yes.</p> <p>13 Q. Right? You agree with me?</p> <p>14 A. I do.</p> <p>15 Q. And that's not what happened, right?</p> <p>16 A. It is not.</p> <p>17 Q. You were permitted to continue with your job,</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. Remotely doing your job. And when you even</p> <p>21 reported about the letter to your supervisor to express</p> <p>22 you were distracted, even though nobody had asked you</p> <p>23 about the allegations, but you were distracted by them,</p> <p>24 the supervisor told you to continue doing your job,</p> <p>25 right?</p>	<p style="text-align: right;">Page 213</p> <p>1 January and February of 2019, because you wanted to,</p> <p>2 right?</p> <p>3 A. Correct.</p> <p>4 Q. Because you thought it would improve your</p> <p>5 ability to perform your job, right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So the only thing that happened that</p> <p>8 -- the only thing that happened is that you filed a</p> <p>9 lawsuit in April 2019 and then, boom --</p> <p>10 A. No.</p> <p>11 Q. -- you're on paid leave.</p> <p>12 MR. JUBB: Objection to the form.</p> <p>13 THE WITNESS: I don't agree.</p> <p>14 BY MS. DOUGHERTY:</p> <p>15 Q. You don't agree?</p> <p>16 A. No. I received a letter in -- sometime in</p> <p>17 the summer of 2018 from The Hill School's insurance</p> <p>18 carrier, telling me they had been notified. So I guess</p> <p>19 that's somebody I missed being notified. I don't know</p> <p>20 who the person was.</p> <p>21 Q. Who did you think was going to pay for Mr.</p> <p>22 Poulos's injuries? Not you, right?</p> <p>23 A. May I finish? They -- they said they were</p> <p>24 going to investigate and they'd make a decision if I,</p> <p>25 individually, fell under their policy or coverage. I</p>

<p style="text-align: right;">Page 214</p> <p>1 received another letter in January of '19 that said I</p> <p>2 would not be. And that -- so essentially the -- that</p> <p>3 was -- to me, that was the beginning of the school</p> <p>4 separating themself from me. From Matt.</p> <p>5 I don't disagree with the insurance company's</p> <p>6 position if the allegations are true. But I was now on</p> <p>7 my own. And if the letters that came were not -- there</p> <p>8 was no settlement, I had no idea where things were</p> <p>9 going, and I was going to be on my own.</p> <p>10 Q. Do you know why the let -- the accusations by</p> <p>11 Mr. Poulos were reported to The Hill School's</p> <p>12 insurance?</p> <p>13 A. I received a matter of phone calls.</p> <p>14 Q. No. I want to know if you know. Do you</p> <p>15 know?</p> <p>16 A. No.</p> <p>17 Q. Do you know why the school reported Mr.</p> <p>18 Poulos's accusations to its insurance?</p> <p>19 A. I know, as a headmaster, why they --</p> <p>20 Q. No. I want to know if you know why The Hill</p> <p>21 School's --</p> <p>22 MR. JUBB: You can answer. She's</p> <p>23 just --</p> <p>24 THE WITNESS: No. Zach didn't call and</p> <p>25 say, or Mr. Rees didn't say --</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. Did you hire somebody? Did you pay a lawyer?</p> <p>2 A. No. Did I hire or pay a lawyer when?</p> <p>3 Q. When the insurance company -- okay. The</p> <p>4 insurance company sent you a letter, right?</p> <p>5 A. Yes.</p> <p>6 Q. When did that happen?</p> <p>7 A. Two letters.</p> <p>8 Q. Two letters.</p> <p>9 A. One happened in the summer. July or August.</p> <p>10 I couldn't tell you the date. And one happened in</p> <p>11 January.</p> <p>12 Q. In 2019?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 A. While I was on campus.</p> <p>16 Q. All right. So you got two letters from the</p> <p>17 insurance company for The Hill School, correct?</p> <p>18 A. Yes.</p> <p>19 Q. Do you still have those letters?</p> <p>20 A. Probably.</p> <p>21 Q. Did you give them to your lawyer?</p> <p>22 A. Yes.</p> <p>23 MS. DOUGHERTY: Is there some reason why</p> <p>24 we don't have them?</p> <p>25 MR. JUBB: You do have them.</p>
<p style="text-align: right;">Page 215</p> <p>1 BY MS. DOUGHERTY:</p> <p>2 Q. Okay.</p> <p>3 A. We're sending these to the insurance company.</p> <p>4 Q. So you don't know what prompted The Hill</p> <p>5 School to report Mr. Poulo's accusations to the</p> <p>6 insurance company, correct?</p> <p>7 MR. JUBB: Objection to the form.</p> <p>8 BY MS. DOUGHERTY:</p> <p>9 Q. Nobody told you, right?</p> <p>10 A. No. Actually, that's not true. Tom told me</p> <p>11 that I would probably be getting a letter. He didn't</p> <p>12 tell me when they did. He didn't tell me why they did.</p> <p>13 Submitted it. But he said I would probably be hearing.</p> <p>14 Q. Okay. So Mr. Rees gave you an advance</p> <p>15 warning about the insurance company's decision about --</p> <p>16 A. Awareness, yes.</p> <p>17 Q. -- whether it would provide separate counsel</p> <p>18 for you, is that right?</p> <p>19 A. Yes.</p> <p>20 Q. And the insurance company was unwilling to</p> <p>21 provide separate counsel for you, is that right?</p> <p>22 A. Yes.</p> <p>23 Q. Was there some reason you needed separate</p> <p>24 counsel?</p> <p>25 A. Not at the moment, but I --</p>	<p style="text-align: right;">Page 217</p> <p>1 MS. DOUGHERTY: I don't think I do. I</p> <p>2 think I have the results of your subpoena to</p> <p>3 Mr. Poulos's insurer.</p> <p>4 MR. JUBB: No. You have the letters.</p> <p>5 They're included in The Hill School file.</p> <p>6 MS. DOUGHERTY: Okay. Well, I have the</p> <p>7 file here, so I guess I'll just have to have</p> <p>8 him identify them.</p> <p>9 MR. JUBB: I'll just pull the P number</p> <p>10 up for you.</p> <p>11 BY MS. DOUGHERTY:</p> <p>12 Q. So you got two letters from the insurer. And</p> <p>13 the letters communicated to you that the insurer</p> <p>14 wouldn't pay for you to have a lawyer of your own, is</p> <p>15 that correct?</p> <p>16 A. I don't know if it said that I wouldn't have</p> <p>17 a lawyer of my own. It certainly said that -- that</p> <p>18 their coverage and any -- and I don't remember details</p> <p>19 of what all they cover. But that I was outside of what</p> <p>20 their relationship with The Hill would cover. So if</p> <p>21 that includes legal counsel, then yes. I don't</p> <p>22 remember the specifics of -- what -- what I know is</p> <p>23 that -- I guess that's all I can tell you.</p> <p>24 Q. Look, I only -- when I ask you what you know</p> <p>25 or ask you -- I really just want to know what you know.</p>

<p style="text-align: right;">Page 218</p> <p>1 It's not a memory test.</p> <p>2 A. I told you. I was on my own. You then asked</p> <p>3 me if -- if the letter said the insurance company told</p> <p>4 you they would not provide legal counsel for you. I'm</p> <p>5 telling you I don't know if it said I wouldn't have</p> <p>6 legal counsel, per se, or if it said I wouldn't be</p> <p>7 covered under their policy. And you're -- so --</p> <p>8 Q. Okay.</p> <p>9 A. -- to ask me if I understand the specifics of</p> <p>10 what their policy covered, I can't tell you that I</p> <p>11 recall that right now.</p> <p>12 Q. I'm just trying to learn what the letter</p> <p>13 said. So you don't remember what the letter said? Or</p> <p>14 you do remember what the letter said?</p> <p>15 A. It was about that thick. No, I don't</p> <p>16 remember all the details of the letter.</p> <p>17 Q. Okay. You still have D-16 there. That's</p> <p>18 this discovery.</p> <p>19 A. I do.</p> <p>20 Q. All right. So can you please go to -- we're</p> <p>21 going to look at page 6, but the answer to the question</p> <p>22 is number 6, which starts on page 5. But what I care</p> <p>23 about is the top of page 6. The sentence starts "For",</p> <p>24 on page 5, and its says "Example" at the top. I'm</p> <p>25 interested in the last part, that says that the</p>	<p style="text-align: right;">Page 220</p> <p>1 while on campus?</p> <p>2 A. Mr. Lehman.</p> <p>3 Q. Who told you you needed permission to be on</p> <p>4 campus?</p> <p>5 A. I asked Tom Rees when he -- so as I checked</p> <p>6 in with him monthly. I didn't check in in November. I</p> <p>7 wrote to him the week between Christmas and New Year's.</p> <p>8 Q. You're talking about 2018?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. Tom called me the first week of January. And</p> <p>12 -- which was the response I got. And he then informed</p> <p>13 me that there had been a second letter. And he said I</p> <p>14 need to tell you now you need to seek legal counsel of</p> <p>15 your own. And then he told me --</p> <p>16 Q. I thought he told you that in April 2018.</p> <p>17 A. He told me I should consider it. He told me</p> <p>18 I should consider it. He told me in January I needed</p> <p>19 to.</p> <p>20 Q. Okay.</p> <p>21 A. There's a difference. I spoke to an</p> <p>22 attorney.</p> <p>23 MR. JUBB: Hold on.</p> <p>24 BY MS. DOUGHERTY:</p> <p>25 Q. Don't tell me what you said to your attorney.</p>
<p style="text-align: right;">Page 219</p> <p>1 school's insurance company would not pay for his legal</p> <p>2 fees, because of the nature of defendant's false</p> <p>3 allegations.</p> <p>4 A. Where are you?</p> <p>5 Q. Sure. On page 6.</p> <p>6 A. Yes.</p> <p>7 Q. Are you there? Okay. So at the very top of</p> <p>8 the page. The "For" is on the prior page, where it</p> <p>9 says "For example", it says "Plaintiff was told",</p> <p>10 right? It says, "To seek legal counsel. Not to be</p> <p>11 alone with students while on campus. Had to ask</p> <p>12 permission to be on campus. And that the school's</p> <p>13 insurance company would not pay for his legal fees,</p> <p>14 because of the nature of defendant's false</p> <p>15 allegations." Did you participate in preparing that</p> <p>16 response?</p> <p>17 A. I certainly would have said okay to it.</p> <p>18 Q. Okay. So the school's insurance company told</p> <p>19 you that it would not pay for your legal fees.</p> <p>20 A. Okay.</p> <p>21 Q. I'm just trying to confirm. Is that right?</p> <p>22 A. Yes.</p> <p>23 Q. Who told you to seek legal counsel?</p> <p>24 A. Tom Rees.</p> <p>25 Q. Who told you not to be alone with students</p>	<p style="text-align: right;">Page 221</p> <p>1 A. I'm sorry, what --</p> <p>2 MR. JUBB: She doesn't want to know</p> <p>3 anything about that.</p> <p>4 BY MS. DOUGHERTY:</p> <p>5 Q. It sounded like you were going to --</p> <p>6 MR. JUBB: Just focus on -- because when</p> <p>7 it gets to the attorney client stuff, you</p> <p>8 just got to focus on her questions.</p> <p>9 THE WITNESS: Right. Okay. So Tom told</p> <p>10 me I needed to seek legal counsel. I -- I</p> <p>11 asked him if that second letter would result</p> <p>12 in me not being able to be on camp -- campus</p> <p>13 as we had scheduled for me to be. He said</p> <p>14 that's a question for the headmaster. And so</p> <p>15 I reached out to Lehman and asked him. And</p> <p>16 that's when I was told not -- yes, but don't</p> <p>17 be alone with students. And that part of it.</p> <p>18 BY MS. DOUGHERTY:</p> <p>19 Q. And you were allowed to be on campus for the</p> <p>20 three to four weeks, right?</p> <p>21 A. I was.</p> <p>22 Q. Did you retain counsel in response to Mr.</p> <p>23 Rees's advice that you should seek legal counsel in</p> <p>24 January 2019?</p> <p>25 A. I did. Not immediately. But, yes.</p>

<p style="text-align: right;">Page 222</p> <p>1 Q. Did you pay -- the lawyer you have in mind, 2 is that Mr. Jubb and The Beasley Firm?</p> <p>3 A. Yes.</p> <p>4 Q. Did you pay any legal fees as a result of 5 retaining The Beasley Firm?</p> <p>6 A. No.</p> <p>7 Q. Did you receive permission from The Hill 8 School before commencing this action?</p> <p>9 A. No. I received discouragement.</p> <p>10 Q. So you told the school, before you filed this 11 action, that you were going to file this action?</p> <p>12 A. I didn't tell them I was going to. They knew 13 I had en -- engaged an attorney. And I did not tell 14 them I was going to file it. I don't believe.</p> <p>15 Q. How do you know the school knew you had 16 engaged an attorney?</p> <p>17 A. Because -- I told them, because I'd been told 18 I should.</p> <p>19 Q. So you retained Mr. Jubb in January of 2019 20 and told the school that you had retained an attorney?</p> <p>21 A. I actually think that communication's from 22 Mr. Jubb to Mr. Rees.</p> <p>23 Q. Okay.</p> <p>24 A. So --</p> <p>25 Q. I understand. So you communicated that you</p>	<p style="text-align: right;">Page 224</p> <p>1 Q. Did you work on any other project with Mr. 2 Jubb?</p> <p>3 A. No.</p> <p>4 Q. Are any of the other lawyers at The Beasley 5 Firm former students of The Hill School?</p> <p>6 A. I'm sorry.</p> <p>7 Q. Are any other lawyers at The Beasley Firm 8 former students of The Hill School?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Is The Hill School contributing to the 11 attorneys fees and costs to litigate this action?</p> <p>12 A. No.</p> <p>13 Q. Is anyone, other than you, contributing to 14 the attorneys fees and costs to litigate this action?</p> <p>15 A. No.</p> <p>16 Q. Am I correct that you have paid no fees and 17 costs in connection with this litigation, or in 18 connection with the allegations by Mr. Poulos?</p> <p>19 MR. JUBB: Don't answer that. You don't 20 have to answer that.</p> <p>21 MS. DOUGHERTY: Why not? You made legal 22 fees an issue.</p> <p>23 MR. JUBB: The legal fees for -- the 24 legal fees related to any -- hold on. Can I 25 just have a clarification what you're</p>
<p style="text-align: right;">Page 223</p> <p>1 had an attorney to The Hill School through your 2 attorney?</p> <p>3 A. Yeah.</p> <p>4 Q. Now, earlier, way earlier today, we were 5 talking about how you sort of reconnected with Mr. Jubb 6 in 2016. Is there a period of time between 2016 to 7 2019 when you had a relationship with Mr. Jubb, other 8 than an attorney client relationship?</p> <p>9 A. Yes.</p> <p>10 Q. Did you work on a project with Mr. Jubb 11 relating to capital giving?</p> <p>12 A. Yes.</p> <p>13 Q. What was that project?</p> <p>14 A. He's one of the people that was outside of my 15 region that knew me well. And so I was asked to meet 16 with him regarding engagement with the school and 17 donations to the school.</p> <p>18 Q. You said you were asked to meet with him. 19 Who asked you to meet with him?</p> <p>20 A. Beg your pardon?</p> <p>21 Q. You said you were asked to meet with Mr. 22 Jubb. Who asked you to meet with Mr. Jubb?</p> <p>23 A. It would have been someone in my office.</p> <p>24 Q. You mean the alumni and development office?</p> <p>25 A. It very well could have been Geoff. Yes.</p>	<p style="text-align: right;">Page 225</p> <p>1 referring to?</p> <p>2 MS. DOUGHERTY: Sure. In -- we were on 3 page 6, right?</p> <p>4 THE WITNESS: They're not the same 5 thing.</p> <p>6 MR. JUBB: Okay. (Reading to self) -- 7 because of the nature of the defendant's 8 false allegations. Okay.</p> <p>9 MS. DOUGHERTY: And I asked --</p> <p>10 MR. JUBB: So that would be in the 11 context of the defendant's false allegations 12 into the extent that he had legal fees that 13 -- there's never been a claim for legal fees 14 in this case.</p> <p>15 MS. DOUGHERTY: I asked him if he 16 retained an attorney in response to the legal 17 advice, and he said yes, you. So I'm trying 18 to confirm --</p> <p>19 MR. JUBB: No. I think you're confused.</p> <p>20 MS. DOUGHERTY: -- he's not paid any 21 legal fees.</p> <p>22 MR. JUBB: He's not -- first off, ask 23 the question if he's ever paid any legal fees 24 as it pertained to any sort of defense of 25 sexual allegation claims. I think that's a</p>

<p style="text-align: right;">Page 226</p> <p>1 fair question. But we're not going to get</p> <p>2 into what the costs are in the case or fees</p> <p>3 with me.</p> <p>4 BY MS. DOUGHERTY:</p> <p>5 Q. Have you paid any fees and costs in</p> <p>6 connection with the allegations by Mr. Poulos?</p> <p>7 MR. JUBB: Objection to the form. You</p> <p>8 can answer.</p> <p>9 THE WITNESS: You said do answer?</p> <p>10 MR. JUBB: Objection to the form. You</p> <p>11 can answer as phrased.</p> <p>12 THE WITNESS: No.</p> <p>13 MS. DOUGHERTY: What's the issue with</p> <p>14 the form?</p> <p>15 MR. JUBB: Because you just said as it</p> <p>16 pertains to allegations of Mr. Poulos, and so</p> <p>17 technically that could involve this case. So</p> <p>18 I just want to, you know, get it down</p> <p>19 perfect, okay? If you can.</p> <p>20 MS. DOUGHERTY: There is not a problem</p> <p>21 with the form of my question. Okay. That's</p> <p>22 fine.</p> <p>23 MR. JUBB: No, there is a problem with</p> <p>24 the form. I just wanted to clarify. So if</p> <p>25 you could tighten it.</p>	<p style="text-align: right;">Page 228</p> <p>1 MS. DOUGHERTY: Okay. And he is -- he</p> <p>2 does not --</p> <p>3 BY MS. DOUGHERTY:</p> <p>4 Q. Mr. Ralston, you did not incur any legal fees</p> <p>5 or costs associated with defending the allegations by</p> <p>6 Mr. Poulos, is that correct?</p> <p>7 MR. JUBB: You can answer that question.</p> <p>8 THE WITNESS: I need you to ask it</p> <p>9 again.</p> <p>10 BY MS. DOUGHERTY:</p> <p>11 Q. Sure.</p> <p>12 A. I thought you guys were talking. Sorry.</p> <p>13 Q. It's okay. We took the part that we were</p> <p>14 fighting over out of the case, so it's not an issue.</p> <p>15 But I just wanted clarification, is it correct that you</p> <p>16 did not pay any legal fees and costs to defend against</p> <p>17 the allegations by Mr. Poulos?</p> <p>18 A. That is correct.</p> <p>19 Q. And I apologize if you answered this already.</p> <p>20 But Cozen O'Connor was never your attorney, is that</p> <p>21 right?</p> <p>22 A. That is correct.</p> <p>23 Q. Did you ever have any communication with</p> <p>24 anyone from Cozen O'Connor?</p> <p>25 A. I did not.</p>
<p style="text-align: right;">Page 227</p> <p>1 MS. DOUGHERTY: What's the form problem?</p> <p>2 I said did you pay --</p> <p>3 MR. JUBB: I just told you what it was.</p> <p>4 MS. DOUGHERTY: -- fees and costs in</p> <p>5 connection with the allegations by Mr.</p> <p>6 Poulos.</p> <p>7 MR. JUBB: And I just said to you --</p> <p>8 MS. DOUGHERTY: And he said no.</p> <p>9 MR. JUBB: And I just said to you that</p> <p>10 could be pertaining to any fees or costs</p> <p>11 associated with my represent --</p> <p>12 representation of him in this action. So if</p> <p>13 you want to say as it pertains to defending</p> <p>14 allegations of sexual abuse, I think that's</p> <p>15 a fair question.</p> <p>16 MS. DOUGHERTY: Do you stipulate that</p> <p>17 Mr. Ralston is not asserting a claim for</p> <p>18 damages arising from legal fees and costs?</p> <p>19 MR. JUBB: Yes. Arising -- Mr. Ralston</p> <p>20 is not seeking damages pertaining to legal</p> <p>21 fees as a result of the defamatory letter.</p> <p>22 That's the stipulation.</p> <p>23 MS. DOUGHERTY: And cost.</p> <p>24 MR. JUBB: And cost associated with the</p> <p>25 defamatory letter. Correct.</p>	<p style="text-align: right;">Page 229</p> <p>1 Q. Do you know who Leslie Gomez is?</p> <p>2 A. Only by name.</p> <p>3 Q. So you never had any communications with</p> <p>4 Leslie Gomez?</p> <p>5 A. No.</p> <p>6 Q. And Ms. Gomez is not now and never was your</p> <p>7 attorney, is that right?</p> <p>8 A. Never. No, that is -- I'm sorry.</p> <p>9 Q. Do you know a Gina Smith?</p> <p>10 A. That is correct.</p> <p>11 Q. Do you know a Gina Smith?</p> <p>12 A. I do not.</p> <p>13 Q. Did you ever have any communications with</p> <p>14 Gina Smith?</p> <p>15 A. I have not.</p> <p>16 Q. Gina Smith is not now and never has been your</p> <p>17 attorney, is that right?</p> <p>18 A. She is not. That is correct.</p> <p>19 Q. So you -- do you know whether The Hill School</p> <p>20 referred Mr. Poulos's allegation to law enforcement or</p> <p>21 the District Attorney?</p> <p>22 A. Do I know if they did?</p> <p>23 Q. Yeah.</p> <p>24 A. I assume not. I don't know.</p> <p>25 Q. I think I asked you all about the lawyers and</p>

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<p style="text-align: right;">Page 230</p> <p>1 the police. But is it correct that no representative</p> <p>2 of The Hill School ever questioned you regarding the</p> <p>3 content of the April 11th, 2018 letter, is that right?</p> <p>4 MR. JUBB: I'll object to the form.</p> <p>5 THE WITNESS: Yes. You're asking --</p> <p>6 well.</p> <p>7 BY MS. DOUGHERTY:</p> <p>8 Q. I want to make sure that nobody, whether it's</p> <p>9 Mr. Rees, Cozen O'Connor, the police, somebody on the</p> <p>10 Board, Mr. Lehman, whoever, affiliated with The Hill</p> <p>11 School, or at the direction of The Hill School, ever</p> <p>12 asked you to explain your side of the story or to make</p> <p>13 a statement --</p> <p>14 A. No.</p> <p>15 Q. -- regarding the April 11th, 2018 letter.</p> <p>16 A. No.</p> <p>17 Q. Can we go to D-4? So is the -- yes, D-4 was</p> <p>18 previously marked. It's the December 26th, 2018 letter</p> <p>19 by Mr. Garabedian to Mr. Rees.</p> <p>20 MS. DOUGHERTY: For the people watching</p> <p>21 on Zoom it's my document 25. The stamp's</p> <p>22 like in the middle of the page.</p> <p>23 BY MS. DOUGHERTY:</p> <p>24 Q. As I understand your testimony, the next</p> <p>25 thing that happened in the sequence of events here is</p>	<p style="text-align: right;">Page 232</p> <p>1 A. Probably. After we spoke, he probably sent</p> <p>2 it to me.</p> <p>3 Q. So it's your belief that Mr. Rees e-mailed</p> <p>4 you the second letter the same day that he called you?</p> <p>5 A. I don't know if it was the same day, but I</p> <p>6 know he sent it to me.</p> <p>7 Q. And then did you read the December 26th, 2018</p> <p>8 letter when you received it from Mr. Rees?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So I'm showing a document that was</p> <p>11 previously marked as D-4. Do you recognize D-4 as the</p> <p>12 December 26th, 2018 letter from Mr. Garabedian to Mr.</p> <p>13 Rees, that Mr. Rees sent to you at the beginning of</p> <p>14 January 2019?</p> <p>15 A. Yes.</p> <p>16 Q. Did you read -- I'm sorry. I take that back.</p> <p>17 Do you see, in the second paragraph on the first page</p> <p>18 of D-4, it says, "During our telephone conversation</p> <p>19 regarding this matter on December 21st, 2018 you</p> <p>20 requested additional information about Mr. Poulos's</p> <p>21 sexual abuse claim." Do you remember reading that</p> <p>22 sentence when you read the December 26th, 2018 letter</p> <p>23 that's been marked as D-4?</p> <p>24 A. Did I what?</p> <p>25 Q. Do you remember reading that sentence?</p>
<p style="text-align: right;">Page 231</p> <p>1 that you got a telephone call from Mr. Rees in January</p> <p>2 of 2019 telling you there had been a second letter, is</p> <p>3 that right?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Did Mr. Rees give you the second</p> <p>6 letter?</p> <p>7 A. I'm sure he sent it to me before our</p> <p>8 conversation.</p> <p>9 Q. Okay. So before Mr. Rees called you in</p> <p>10 January 2019, you didn't know that there was a second</p> <p>11 letter from Mr. Garabedian, is that right?</p> <p>12 A. No. That's correct.</p> <p>13 Q. Do you remember when you had the telephone</p> <p>14 discussion with Mr. Rees, other than just January 2019?</p> <p>15 A. It was probably the first business day after</p> <p>16 New Year's. Whatever that was. I had -- I can tell</p> <p>17 you I wrote to Tom Rees on December 28th.</p> <p>18 Q. So that sticks out, because it's like Happy</p> <p>19 New Year, right?</p> <p>20 A. Yeah. They told me they decided not to ruin</p> <p>21 anyone's holidays. When he called me.</p> <p>22 Q. And then did Mr. Rees e-mail you the letter</p> <p>23 after he called you?</p> <p>24 A. Yes. That would have been what he did.</p> <p>25 Q. On the first business day after New Year's?</p>	<p style="text-align: right;">Page 233</p> <p>1 A. I remember reading the letter. I don't know</p> <p>2 if that sentence jumped out at me.</p> <p>3 Q. Did you ever ask Mr. Rees to tell you about</p> <p>4 his telephone --</p> <p>5 A. That's why --</p> <p>6 Q. -- communication with Mr. Garabedian?</p> <p>7 A. I asked him monthly. I think I said earlier</p> <p>8 I don't know if I got clear through that. I did not</p> <p>9 ask him in November. I wrote to him the week before</p> <p>10 Christmas and New Year's and asked if there was any</p> <p>11 update. I said it's been a couple months. I didn't</p> <p>12 hear from him until he called me. So I had asked. I</p> <p>13 suspect if I had -- if there had not been a second</p> <p>14 letter, I would have gotten an e-mail rather than a</p> <p>15 phone call.</p> <p>16 Q. These are e-mails that you were exchanging</p> <p>17 with Mr. Rees from your Hill School e-mail address?</p> <p>18 A. Yes.</p> <p>19 Q. Did you print any of those e-mails?</p> <p>20 A. No.</p> <p>21 Q. Did Mr. -- when Mr. Rees called you in the</p> <p>22 beginning of January 2019, did he tell you anything</p> <p>23 else other than we got another letter?</p> <p>24 A. That I should seek -- he needed to tell me to</p> <p>25 seek my own legal counsel. I asked him why again. He</p>

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<p style="text-align: right;">Page 234</p> <p>1 gave me the same reasons.</p> <p>2 Q. The same reasons you told me about earlier?</p> <p>3 A. Yeah. We had not yet, at that point, heard</p> <p>4 from an insurance company.</p> <p>5 Q. Do you need more water?</p> <p>6 A. No. I got some. Thanks. I think, looking</p> <p>7 back, I didn't think about it then, but he probably</p> <p>8 knew what the response from the insurance company would</p> <p>9 be.</p> <p>10 Q. Did you think the insurance company was going</p> <p>11 to provide --</p> <p>12 A. I didn't --</p> <p>13 Q. -- coverage for the sexual assault?</p> <p>14 A. -- I -- I don't think I thought about it.</p> <p>15 Until I got that second letter.</p> <p>16 Q. And the three reasons you were talking about</p> <p>17 is Mr. Rees couldn't represent you, because he's the</p> <p>18 school's attorney, charges could be filed, and a</p> <p>19 lawsuit could be filed, right? The reasons why Mr.</p> <p>20 Rees told you --</p> <p>21 A. Say again.</p> <p>22 Q. The three reasons why Mr. Rees told you you</p> <p>23 needed your own lawyer was that he's the school's</p> <p>24 attorney, that charges could be filed, and a lawsuit</p> <p>25 could be filed?</p>	<p style="text-align: right;">Page 236</p> <p>1 Q. You mean that you could sue for defamation?</p> <p>2 A. He said it's possible there is.</p> <p>3 Q. Okay.</p> <p>4 A. He didn't encourage me to. He didn't say do</p> <p>5 it. But he said I needed to seek independent counsel.</p> <p>6 Q. Okay. So Mr. Rees was just giving you</p> <p>7 friendly information that perhaps you could pursue a</p> <p>8 defamation action against Mr. Poulos, and you should</p> <p>9 check with a lawyer who could help you with that,</p> <p>10 right?</p> <p>11 A. To help me decide if I could.</p> <p>12 Q. Okay. So am I correct that Mr. Rees didn't</p> <p>13 credit the content of the December 26th, 2018 letter --</p> <p>14 MR. JUBB: I'll object to the form.</p> <p>15 BY MS. DOUGHERTY:</p> <p>16 Q. -- as reflected in D-4?</p> <p>17 A. His opinion of me didn't change, if that's</p> <p>18 what you're asking.</p> <p>19 Q. So did Mr. Rees say something to lead you to</p> <p>20 believe -- let me start again. During your January</p> <p>21 2019 telephone call with Mr. Rees, did Mr. Rees say</p> <p>22 something to lead you to believe that he did not</p> <p>23 believe the accusations by Mr. Poulos contained in the</p> <p>24 December 26th, 2018 letter that's been marked as D-4?</p> <p>25 A. No. But we already established he didn't</p>
<p style="text-align: right;">Page 235</p> <p>1 A. No. I knew he was the school's attorney.</p> <p>2 That the three were -- that if there was a suit filed</p> <p>3 against the school, that I would need counsel, which is</p> <p>4 why, in retrospect, I -- I knew the answer to the</p> <p>5 insurance. If there were ever criminal charges filed,</p> <p>6 I would need counsel. And the third reason was that</p> <p>7 there could be a legal case for defamation. Is what he</p> <p>8 suggested to me.</p> <p>9 Q. You mean by you?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So when you talked to Mr. Rees in</p> <p>12 January 2019 he suggested that you retain a lawyer to</p> <p>13 sue Mr. Poulos for defamation?</p> <p>14 MR. JUBB: I'll object to the form of</p> <p>15 that.</p> <p>16 THE WITNESS: Did Mr. Rees what?</p> <p>17 BY MS. DOUGHERTY:</p> <p>18 Q. When you spoke to Mr. Rees in January of</p> <p>19 2019, he suggested that you retain a lawyer to commence</p> <p>20 a defamation against Mr. Poulos, is that right?</p> <p>21 A. No, he did not.</p> <p>22 Q. No? So what was your reference to</p> <p>23 defamation?</p> <p>24 A. He said there could be. He said I'm not</p> <p>25 whatever kind of attorney that would be.</p>	<p style="text-align: right;">Page 237</p> <p>1 believe it.</p> <p>2 Q. Okay. So --</p> <p>3 A. So he didn't change that.</p> <p>4 Q. You didn't think the fact that he was</p> <p>5 suggesting maybe you had a defamation action against</p> <p>6 Mr. Poulos was commenting on his belief about the</p> <p>7 accusations?</p> <p>8 A. He didn't suggest it. He said that there</p> <p>9 could be. And I -- I guess -- I don't know that I</p> <p>10 thought about what the significance of that was. But</p> <p>11 if I -- I looked at it now and say what is the</p> <p>12 significance, it would be that he hadn't changed his</p> <p>13 opinion any.</p> <p>14 Q. Did you have any -- okay. So you got the</p> <p>15 letter from Mr. Rees. Then what did you do? Did</p> <p>16 you --</p> <p>17 A. What did I do?</p> <p>18 Q. Yeah.</p> <p>19 A. Walked around in a, what the hell am I going</p> <p>20 to do now, kind of place.</p> <p>21 Q. Did you call your wife and tell her about the</p> <p>22 letter?</p> <p>23 A. Of course. Yeah.</p> <p>24 Q. Okay.</p> <p>25 A. I'm sorry. Yes. But as far as outward,</p>

<p style="text-align: right;">Page 238</p> <p>1 beyond that.</p> <p>2 Q. Like we did with the April 11th, 2018 letter,</p> <p>3 I want to know everybody that you told about the</p> <p>4 December 26th, 2018 letter.</p> <p>5 A. Oh. That's easy. I'm sorry. Yes. I can</p> <p>6 tell you that.</p> <p>7 Q. That's okay.</p> <p>8 A. My wife. My brother, Mark. And Chris</p> <p>9 Hopkins.</p> <p>10 Q. And did you tell -- let me start again. Did</p> <p>11 you actually give a copy of the --</p> <p>12 A. No.</p> <p>13 Q. -- December 26th, 2018 letter to your wife,</p> <p>14 your brother or Mr. Hopkins?</p> <p>15 A. No.</p> <p>16 Q. You just called them on the phone and</p> <p>17 described the situation?</p> <p>18 A. Yes.</p> <p>19 Q. What --</p> <p>20 A. Told them there was a second letter.</p> <p>21 Q. Were you in Ohio at the time when Mr. Rees</p> <p>22 called you?</p> <p>23 A. No. I believe I had just gone back -- we</p> <p>24 have a house in Michigan, as well as a condo in</p> <p>25 Columbus. And I was in Michigan.</p>	<p style="text-align: right;">Page 240</p> <p>1 because you were in Michigan, right?</p> <p>2 A. Well, I have to call Mark, my brother Mark</p> <p>3 and Mr. Hopkins regardless of where I am.</p> <p>4 Q. I'm sorry. I thought Mr. Hopkins lived at</p> <p>5 The Hill School.</p> <p>6 A. No. He was in Maine at that time.</p> <p>7 Q. Okay.</p> <p>8 A. Mr. Chirieleison was at The Hill School.</p> <p>9 Q. Okay. Wrong Chris. Thank you.</p> <p>10 A. Yep.</p> <p>11 Q. Did you tell anyone else about the December</p> <p>12 26th, 2018 letter, other than your wife, Mr. Ralston,</p> <p>13 your brother, Mark Ralston, and Mr. Hopkins?</p> <p>14 A. No.</p> <p>15 Q. I take it that --</p> <p>16 A. I'm -- I'm --</p> <p>17 Q. I'm sorry. Go ahead.</p> <p>18 A. Because I don't think about them. Dr. Siemer</p> <p>19 and Lisa Havens.</p> <p>20 Q. Okay. So you told your doctor and your</p> <p>21 counselor?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Did you, like, make an appointment or</p> <p>24 something?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 239</p> <p>1 Q. Is the condo in Traverse City?</p> <p>2 A. No. We have a condo in Columbus. We have a</p> <p>3 house in Lake Ann, Michigan.</p> <p>4 Q. Okay. So you didn't have to call your wife?</p> <p>5 A. I had to call my wife.</p> <p>6 Q. I apologize.</p> <p>7 A. She still works.</p> <p>8 Q. Okay.</p> <p>9 A. She was in Columbus. She, generally, unless</p> <p>10 she's taking vacation time, she's in Columbus if I go</p> <p>11 up to the Michigan house. And I was in the Michigan</p> <p>12 house when Tom Rees called me.</p> <p>13 Q. You were still working in January of 2019,</p> <p>14 too, right?</p> <p>15 A. I was.</p> <p>16 Q. You were working remotely?</p> <p>17 A. Um-hum. Yes.</p> <p>18 Q. And you had permission from The Hill School</p> <p>19 to work from Michigan or Columbus, right?</p> <p>20 A. Permission in the sense that they knew were</p> <p>21 owned, both places, and they knew I was back and forth.</p> <p>22 It's mostly done by computer, so. I'm not --</p> <p>23 Q. Okay. So you called your wife. And I guess</p> <p>24 you had to call Mr. Ralston. Or, excuse me, you had to</p> <p>25 call Mr. Ralston, your brother, and Mr. Hopkins,</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. Do you have medical records from your</p> <p>2 treatment with Dr. Siemer?</p> <p>3 A. I do not.</p> <p>4 Q. Have you been treated by Dr. Siemer?</p> <p>5 A. Yes. Dr. Siemer is also a friend. So, yes.</p> <p>6 To answer your question, I was treated by him or</p> <p>7 treated through this by him.</p> <p>8 Q. How long has Dr. Siemen (sic) been your</p> <p>9 doctor?</p> <p>10 A. He's not my primary care physician. He's</p> <p>11 just someone I see annually. And occasionally if I'm</p> <p>12 sick, or have something that needs cut off. Dr.</p> <p>13 Siemer's a close friend, so I went to somebody with</p> <p>14 whom it would be easier for me to share this than</p> <p>15 somebody I see once a year.</p> <p>16 Q. Okay. Who's your primary care physician?</p> <p>17 A. My family care, primary care physician, is a</p> <p>18 gentleman named Nathan March. And he is in Traverse</p> <p>19 City.</p> <p>20 Q. Is he affiliated with a medical practice?</p> <p>21 A. Yes. It's West Front Primary Care.</p> <p>22 Q. And how long has Dr. Nathan -- you said</p> <p>23 March, M-A-R-C-H?</p> <p>24 A. Yes.</p> <p>25 Q. How long has Dr. Nathan March been your</p>

<p style="text-align: right;">Page 242</p> <p>1 primary care physician?</p> <p>2 A. Will be 2009. July. Or whenever I first saw</p> <p>3 a doctor once we moved.</p> <p>4 Q. Oh, okay. So when you --</p> <p>5 A. When we left Hill.</p> <p>6 Q. I'm sorry. I just had a moment right there.</p> <p>7 A. When we left Hill to go to Michigan.</p> <p>8 Q. When you went from The Hill School to --</p> <p>9 right. To Leelenau, right?</p> <p>10 A. Yes.</p> <p>11 Q. Who is your primary care physician when you</p> <p>12 were in Pottstown?</p> <p>13 A. Alan, A-L-A-N. Goldberg.</p> <p>14 Q. Read my mind. Because I spelled it wrong.</p> <p>15 Okay. So what -- and how long was Alan Gold -- you</p> <p>16 don't treat with Dr. Goldberg anymore, correct?</p> <p>17 A. Correct.</p> <p>18 Q. You haven't treated with him since before</p> <p>19 2009?</p> <p>20 A. When I left.</p> <p>21 Q. 2009?</p> <p>22 A. 2009, yes.</p> <p>23 Q. Is Mr -- is Dr. Goldberg affiliated -- let me</p> <p>24 start again. At the time when you were treating with</p> <p>25 Dr. Goldberg, was he affiliated with a medical</p>	<p style="text-align: right;">Page 244</p> <p>1 Q. Do you remember what paperwork I'm talking</p> <p>2 about that you filled out?</p> <p>3 A. I don't.</p> <p>4 Q. I know it's a long time ago.</p> <p>5 A. I don't.</p> <p>6 Q. I was just trying to think if maybe you knew</p> <p>7 then I would have his information in your documents.</p> <p>8 But I'll check.</p> <p>9 A. I may still have it.</p> <p>10 Q. We'll pull it out and you can take a look at</p> <p>11 it. Okay. So -- I'm sorry, what -- Lisa -- what was</p> <p>12 the counselor's last name?</p> <p>13 A. Havens.</p> <p>14 Q. Havens.</p> <p>15 A. H-A-V-E-N-S.</p> <p>16 Q. Thank you. And how long have you sought</p> <p>17 counseling from Ms. Havens? Does she go by Ms.? Does</p> <p>18 she have a title?</p> <p>19 A. I don't know. I call her Lisa.</p> <p>20 Q. Okay. I don't want to be disrespectful if</p> <p>21 she's a doctor or has a different title, or prefers to</p> <p>22 be Counselor. So we'll go with Ms. Havens. How long</p> <p>23 have you been receiving counseling from Ms. Havens?</p> <p>24 A. I probably started seeing her in the fall of</p> <p>25 2019.</p>
<p style="text-align: right;">Page 243</p> <p>1 practice?</p> <p>2 A. Yes. I can't -- I don't remember the name of</p> <p>3 the practice. He was Potts -- maybe it's -- I -- I</p> <p>4 don't know. But he's in Pottstown. He and his</p> <p>5 partner, Paul Doghramji. And I'm going to mess it up</p> <p>6 as bad as you --</p> <p>7 Q. You're going to pass?</p> <p>8 A. -- so good luck.</p> <p>9 Q. Okay. How long did you treat with Dr.</p> <p>10 Goldberg and his partner?</p> <p>11 A. 17 years. The reason I mentioned Dr.</p> <p>12 Doghramji was they were also The Hill School's doctor</p> <p>13 until Dr. -- I don't know. I know it would have been</p> <p>14 early 2000s. And I know that that changed there,</p> <p>15 because the then new school doctor was the father of</p> <p>16 one of my son's roommates.</p> <p>17 Q. Okay. So when you started your employment</p> <p>18 with The Hill School in 1992, do you remember that you</p> <p>19 filled out some applications and paperwork for the</p> <p>20 school and you had to identify your doctor? Is that</p> <p>21 how long that Dr. Goldberg has been -- was treating</p> <p>22 you? Was treating you, from when you started at The</p> <p>23 Hill School?</p> <p>24 A. He would have treated me after we arrived at</p> <p>25 The Hill School. He didn't treat me before.</p>	<p style="text-align: right;">Page 245</p> <p>1 Q. Was that the first time that you sought</p> <p>2 counseling?</p> <p>3 A. Yes.</p> <p>4 Q. Ever?</p> <p>5 A. When I was leaving The Andrews School. I</p> <p>6 don't think I knew I was seeking counseling, but. I</p> <p>7 met with a gentleman in Cleveland. I can't tell you</p> <p>8 his name, but it was about career. What I was going to</p> <p>9 do. What I wanted to do. I wasn't sure if I wanted to</p> <p>10 remain a teacher. So I met with him. As a more mature</p> <p>11 adult I recognized that he was counseling me as well.</p> <p>12 But it was almost all entirely about career and job.</p> <p>13 Q. That was the late '80s?</p> <p>14 A. Beg your pardon?</p> <p>15 Q. That was the late '80s?</p> <p>16 A. Yeah. We left there in Eighty -- yes.</p> <p>17 Q. Okay. So no other -- let me start again. So</p> <p>18 you've not received counseling of any kind, other than</p> <p>19 the instance you just told me about in connection with</p> <p>20 The Andrews School and from Ms. Havens, is that right?</p> <p>21 A. Yes.</p> <p>22 Q. And when did you start treating -- I think I</p> <p>23 was saying his name wrong. It's Dr. Siemer, right?</p> <p>24 A. Yes.</p> <p>25 Q. I think I was saying Sieman. Sorry. When</p>

<p style="text-align: right;">Page 246</p> <p>1 did you start treating with Dr. Siemer?</p> <p>2 A. That would have been probably also summer or</p> <p>3 fall of '19.</p> <p>4 Q. So you didn't start treating with Dr. Siemer</p> <p>5 or receive counseling from Ms. Havens until several</p> <p>6 months after you commenced this lawsuit, is that right?</p> <p>7 A. Yes. Formally, yes. If you will. Like I</p> <p>8 said, Dr. Siemer's a friend.</p> <p>9 Q. Did you pay for the treatment by Dr. Siemer?</p> <p>10 A. No.</p> <p>11 Q. Did you pay for the treatment by -- excuse</p> <p>12 me. Did you pay for the counseling by Ms. Havens?</p> <p>13 A. Yes.</p> <p>14 Q. Do you have records reflecting how much you</p> <p>15 paid for the counseling by Ms. Havens?</p> <p>16 A. No, but I could get them.</p> <p>17 Q. Are you able to estimate, without completing</p> <p>18 guessing, how much you have paid Ms. Havens for</p> <p>19 counseling?</p> <p>20 A. 12 hundred dollars.</p> <p>21 Q. Did Dr. Siemer prescribe -- let me start</p> <p>22 again. Did Dr. Siemer diagnose you with any medical</p> <p>23 condition?</p> <p>24 A. Anxiety. Some -- the diarrhea. Irritable</p> <p>25 bowel of some kind. I don't -- and then just</p>	<p style="text-align: right;">Page 248</p> <p>1 Q. I'm asking what Dr. Siemer diagnosed. If you</p> <p>2 don't know, then tell me that.</p> <p>3 A. I know why I went to him. I know what we</p> <p>4 addressed. So I guess, yes. He diagnosed that.</p> <p>5 Q. Okay. So Dr. Siemer's medical notes are</p> <p>6 going to reflect that -- a base -- a reason why -- a</p> <p>7 reason for the anxiety diagnosis, is that right?</p> <p>8 A. Yes. I would think so.</p> <p>9 Q. How about diarrhea, irritable bowel, do you</p> <p>10 still suffer from that?</p> <p>11 A. I haven't had any of that since December of</p> <p>12 '20.</p> <p>13 Q. Were you prescribed any medication for the</p> <p>14 diarrhea, irritable bowel?</p> <p>15 A. Some diet and then probiotics.</p> <p>16 Q. Did Dr. Siemer diagnose the reason for the</p> <p>17 diarrhea or irritable bowel?</p> <p>18 A. Well, that it had -- that I had dealt with it</p> <p>19 earlier. It was just another occurrence. So, again, I</p> <p>20 don't know if he tied it to. It was related to what I</p> <p>21 was already dealing with. So I had had some diarrhea</p> <p>22 earlier in 2019. Or in 2019. And then we had that</p> <p>23 pretty well under control and then so I had some in</p> <p>24 December '20.</p> <p>25 Q. Okay. So before or after you filed this</p>
<p style="text-align: right;">Page 247</p> <p>1 disruptive sleep.</p> <p>2 Q. Do you still -- let me start again. Did Dr.</p> <p>3 Siemer prescribe any medication for anxiety?</p> <p>4 A. No. We treated through diet and supplements</p> <p>5 and exercise.</p> <p>6 Q. Do you still suffer from anxiety?</p> <p>7 A. Yes.</p> <p>8 Q. So the diet -- let me start again. Your</p> <p>9 treatment through diet, supplements and exercise, is it</p> <p>10 managing the anxiety?</p> <p>11 A. Yes.</p> <p>12 Q. Do you -- let me start again. So when were</p> <p>13 you first diagnosed with anxiety by Dr. Siemer?</p> <p>14 A. It would have been when I went to see him.</p> <p>15 Q. In summer, fall of 2019?</p> <p>16 A. Yes.</p> <p>17 Q. Did Dr. Siemer diagnose the reason for the</p> <p>18 anxiety?</p> <p>19 A. Wow. I don't know how to answer that. We</p> <p>20 addressed it, because I -- I mean, I can identify the</p> <p>21 anxiety. So I don't know if there is -- if I call it a</p> <p>22 diagnosis or we just --</p> <p>23 Q. I'm asking for what Dr. Siemer diagnosed, not</p> <p>24 what you think.</p> <p>25 A. I beg your pardon?</p>	<p style="text-align: right;">Page 249</p> <p>1 lawsuit? When you say earlier in 2019?</p> <p>2 A. Oh, I'm sorry. The earlier in my mind was in</p> <p>3 '20. It was after.</p> <p>4 Q. Okay. So after you filed this lawsuit that's</p> <p>5 when you had your first bout of diarrhea and irritable</p> <p>6 bowel?</p> <p>7 A. That's true. Yes.</p> <p>8 Q. And then you had another bout in December of</p> <p>9 2020?</p> <p>10 A. Yes.</p> <p>11 Q. And, I'm sorry if you answered this already,</p> <p>12 but did Dr. Siemer prescribe any medication, as it</p> <p>13 relates to the earlier bout in 2019?</p> <p>14 A. Again, diet and probiotics.</p> <p>15 Q. And did Dr. Siemer diagnose the reason for</p> <p>16 the diarrhea and irritable bowel that you experienced</p> <p>17 in 2019 after filing this lawsuit?</p> <p>18 A. Again, I can only say yes, because that's why</p> <p>19 we started -- I don't know how he would word it. But</p> <p>20 it's why we were -- my situation, the accusations, not</p> <p>21 working, were the reasons we were -- we attributed the</p> <p>22 diarrhea to. So in the sense that's a diagnosis, yes.</p> <p>23 Q. So not the fact that you were put on unpaid</p> <p>24 leave?</p> <p>25 A. So -- I wasn't working, is what I said there.</p>

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<p style="text-align: right;">Page 250</p> <p>1 Q. Oh, I apologize.</p> <p>2 A. I tend to be pretty literal with these</p> <p>3 questions.</p> <p>4 Q. And then I think you also said disruptive</p> <p>5 sleep?</p> <p>6 A. Yep.</p> <p>7 Q. Do you still have disruptive sleep?</p> <p>8 A. Occasionally.</p> <p>9 Q. Can you describe what you mean by disruptive</p> <p>10 sleep?</p> <p>11 A. Yeah. It goes to back to the gerbil wheels.</p> <p>12 Either trouble getting to sleep, or I wake up in the</p> <p>13 night and my brain locks onto what I've been accused of</p> <p>14 and it doesn't want to let go.</p> <p>15 Q. And that started after you filed this</p> <p>16 lawsuit?</p> <p>17 A. No.</p> <p>18 Q. You didn't start treatment for disruptive</p> <p>19 sleep until after you started this lawsuit, is that</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. Did Dr. Siemer actually diagnose you with</p> <p>23 disruptive sleep?</p> <p>24 A. I don't know if -- I actually don't know if</p> <p>25 that's --</p>	<p style="text-align: right;">Page 252</p> <p>1 A. A couple times a week.</p> <p>2 Q. Have you ever been through a detox program?</p> <p>3 A. No.</p> <p>4 Q. Have you ever received anger management</p> <p>5 counseling?</p> <p>6 A. No.</p> <p>7 Q. Have you ever received therapy?</p> <p>8 MR. JUBB: Objection to the form.</p> <p>9 THE WITNESS: Beyond what I've shared,</p> <p>10 no.</p> <p>11 BY MS. DOUGHERTY:</p> <p>12 Q. So you never received treatment for a mental</p> <p>13 health condition --</p> <p>14 A. No.</p> <p>15 Q. -- Ever?</p> <p>16 A. No. Unless you count my father.</p> <p>17 Q. What do you mean?</p> <p>18 A. Huh?</p> <p>19 Q. What do you mean unless I count your father?</p> <p>20 A. Well --</p> <p>21 Q. Was your father a psychiatrist?</p> <p>22 A. No. Sorry. It's not a time for levity.</p> <p>23 Just a father being a father with their teenage boys.</p> <p>24 Telling me to get my head right.</p> <p>25 Q. So you've never gone to a mental health</p>
<p style="text-align: right;">Page 251</p> <p>1 Q. Yeah, I'm just trying to learn if it's a</p> <p>2 medical condition or just something you experience.</p> <p>3 A. I know when I speak with him, it's, you know,</p> <p>4 do I have trouble sleeping? Yes. And my answer would</p> <p>5 have been pretty much what I just said to you. There</p> <p>6 are nights I can't get to sleep. There are other</p> <p>7 nights that I'm wide awake. And, you know, to me I --</p> <p>8 I consider that a manifestation of anxiety. I don't</p> <p>9 know medical terms.</p> <p>10 Q. Did Dr. Siemer prescribe any medication for</p> <p>11 disruptive sleep?</p> <p>12 A. Diet. Supplements. And exercise.</p> <p>13 Q. Okay. So no medication. Correct?</p> <p>14 A. Nothing I had to go to a pharmacy to get.</p> <p>15 Q. Are you an alcoholic?</p> <p>16 A. No.</p> <p>17 Q. Are you addicted to narcotics?</p> <p>18 A. No.</p> <p>19 Q. Do you gamble?</p> <p>20 A. No.</p> <p>21 Q. Do you use alcohol?</p> <p>22 A. Yes.</p> <p>23 Q. Do you use narcotics?</p> <p>24 A. No.</p> <p>25 Q. How often do you use alcohol?</p>	<p style="text-align: right;">Page 253</p> <p>1 professional --</p> <p>2 A. No.</p> <p>3 Q. -- and received mental health treatment of</p> <p>4 any kind?</p> <p>5 A. No.</p> <p>6 Q. So you never had any inpatient therapy?</p> <p>7 A. No.</p> <p>8 Q. Do you currently suffer from any medical</p> <p>9 conditions, other than the anxiety and diarrhea that</p> <p>10 you described?</p> <p>11 A. Allergies.</p> <p>12 Q. Allergies? Okay.</p> <p>13 A. Hypertension.</p> <p>14 Q. Do you -- the allergies aren't attributable</p> <p>15 to anything to do with Mr. Poulos's --</p> <p>16 A. No.</p> <p>17 Q. -- accusations, right?</p> <p>18 A. No.</p> <p>19 Q. And the hypertension is not attributable --</p> <p>20 A. No.</p> <p>21 Q. -- to anything to do with Mr. Poulos's</p> <p>22 accusation?</p> <p>23 A. It's not. Yes. Correct.</p> <p>24 Q. And so no other medical conditions?</p> <p>25 A. No.</p>

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<p>1 Q. Other than anxiety, have you ever been</p> <p>2 diagnosed with a mental health disorder?</p> <p>3 A. No.</p> <p>4 Q. Have you ever been sexually abused?</p> <p>5 A. No.</p> <p>6 Q. Have you ever been physically abused?</p> <p>7 A. No.</p> <p>8 Q. Have you ever been arrested?</p> <p>9 A. No. Speeding ticket. I guess that's not</p> <p>10 arrested.</p> <p>11 MR. JUBB: Were you speeding that fast?</p> <p>12 That's her next question.</p> <p>13 MS. DOUGHERTY: He saw my face.</p> <p>14 BY MS. DOUGHERTY:</p> <p>15 Q. Okay. So you've been pulled over speeding.</p> <p>16 Have you been arrested for speeding?</p> <p>17 A. Well, I've been handed a ticket.</p> <p>18 Q. Mario Andretti over here?</p> <p>19 A. I've never been put in the back of a cruiser</p> <p>20 and taken away.</p> <p>21 Q. So you've never been arrested ever for</p> <p>22 anything?</p> <p>23 A. Right. No.</p> <p>24 Q. In the United States or internationally,</p> <p>25 correct?</p>	<p>1 A. No.</p> <p>2 Q. Other than Mr. Poulos's accusations, have you</p> <p>3 ever been accused of misconduct with a student?</p> <p>4 A. No. With the exception of one I shared</p> <p>5 earlier.</p> <p>6 Q. Have you ever been investigated by a school</p> <p>7 that employed you?</p> <p>8 A. FBI background checks. Otherwise, no.</p> <p>9 Q. Have you ever been a party to a lawsuit,</p> <p>10 other than this lawsuit?</p> <p>11 A. No.</p> <p>12 Q. Have you ever signed a confidentiality</p> <p>13 agreement?</p> <p>14 A. Can I --</p> <p>15 Q. Go ahead.</p> <p>16 A. The reason I was thinking about that. I was</p> <p>17 deposed. A student -- a student was hit in the eye</p> <p>18 with a water balloon. That's not -- and I was the dorm</p> <p>19 parent. And --</p> <p>20 Q. Were you a party? Did you get sued?</p> <p>21 A. Beg pardon?</p> <p>22 Q. Were you like one --</p> <p>23 A. No, no, no.</p> <p>24 Q. -- of the people sued?</p> <p>25 A. No. It was a question of did I discipline</p>
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<p>1 A. Correct.</p> <p>2 Q. Have you ever been questioned by police?</p> <p>3 A. Regarding my behavior, no.</p> <p>4 Q. You've been questioned by police regarding</p> <p>5 someone else's behavior?</p> <p>6 A. Yes. In regard to students.</p> <p>7 Q. Anything relating to Mr. Poulos?</p> <p>8 A. No.</p> <p>9 Q. Anything relating to a student of The Hill</p> <p>10 School between 1992 and 1997?</p> <p>11 A. Military police in reference to a security</p> <p>12 check. I was questioned about a student who was -- I'm</p> <p>13 pretty sure he graduated in 1998. So it would have</p> <p>14 been after 1987, but he would have been a student in</p> <p>15 1997.</p> <p>16 Q. Were you ever questioned by police relating</p> <p>17 to sexual misconduct of someone other than you?</p> <p>18 A. No.</p> <p>19 Q. Have you ever spent time in custody?</p> <p>20 A. No.</p> <p>21 Q. Have you ever had a criminal complaint filed</p> <p>22 against you?</p> <p>23 A. No.</p> <p>24 Q. Other than Mr. Poulos's accusations, have you</p> <p>25 ever been accused of a crime?</p>	<p>1 the students who hit him with the water balloon.</p> <p>2 Q. Okay. So you gave a deposition about that?</p> <p>3 A. I did.</p> <p>4 Q. When was that?</p> <p>5 A. Over the phone. Let's see. I know where we</p> <p>6 were living. Probably early 2000s.</p> <p>7 Q. So that was The Hill School?</p> <p>8 A. Yes.</p> <p>9 Q. So The Hill School was a party to a lawsuit</p> <p>10 arising from a kid getting hit in the eye with a water</p> <p>11 balloon, and you gave a deposition about to the extent</p> <p>12 in which the kid was disciplined?</p> <p>13 A. I gave a deposition. I don't know if there</p> <p>14 was a lawsuit.</p> <p>15 Q. Okay. Was Mr. Rees the attorney for the</p> <p>16 school?</p> <p>17 A. He was.</p> <p>18 Q. Have you ever signed a confidentiality</p> <p>19 agreement?</p> <p>20 A. Can you tell me what that is? No.</p> <p>21 Q. Do you know what a confidentiality agreement</p> <p>22 is?</p> <p>23 A. That's what I'm asking.</p> <p>24 Q. Did you sign -- did you ever resolve a</p> <p>25 dispute with someone where you signed --</p>

<p style="text-align: right;">Page 258</p> <p>1 A. No.</p> <p>2 Q. -- an agreement and agreed to keep secret</p> <p>3 your agreement with that other individual?</p> <p>4 A. No.</p> <p>5 Q. So you never -- okay. Any of the -- you've</p> <p>6 had a number of jobs at different academic</p> <p>7 institutions, right? We haven't --</p> <p>8 A. Yes.</p> <p>9 Q. -- gone through them, but. Have you ever</p> <p>10 signed a confidentiality agreement in connection with</p> <p>11 your departure from any of the academic --</p> <p>12 A. No.</p> <p>13 Q. -- institutions that you worked at?</p> <p>14 A. No.</p> <p>15 Q. How about a nondisclosure agreement, have you</p> <p>16 ever signed a nondisclosure agreement?</p> <p>17 A. If I did, it would have been as an employee</p> <p>18 of -- when I finished graduate school I worked, that's</p> <p>19 when we lived in Florida. Delray. Is that back on the</p> <p>20 places I lived?</p> <p>21 Q. Yeah, you have that. You told me about</p> <p>22 that --</p> <p>23 A. I worked as an actuary.</p> <p>24 Q. -- a long time ago.</p> <p>25 A. If I ever signed a nondisclosure it would</p>	<p style="text-align: right;">Page 260</p> <p>1 A. Ohio State. Both.</p> <p>2 Q. Were you subject to discipline for any reason</p> <p>3 when you were a student at Ohio State?</p> <p>4 A. No.</p> <p>5 Q. Were you reprimanded for any reason while you</p> <p>6 were a student at Ohio State?</p> <p>7 A. No.</p> <p>8 Q. Were you subject -- were you subject to</p> <p>9 disciplinary action when you were a student at Ohio</p> <p>10 State, even if the action did not result in discipline?</p> <p>11 A. No.</p> <p>12 Q. Do you know Zachary Brusko? B-R-U-S-K-O?</p> <p>13 A. Yes.</p> <p>14 Q. How do you know Zach Brusko?</p> <p>15 A. He was a student at The Hill School in the</p> <p>16 mid/late '90s. And then he was also -- I hired him as</p> <p>17 a -- when I was working in the academic office as a</p> <p>18 director of studies. He came to work for us as</p> <p>19 a registrar. He handled the technology in our office.</p> <p>20 Q. Did you tell Zachary Brusko about the</p> <p>21 allegations by Mr. Poulos?</p> <p>22 A. I did not.</p> <p>23 Q. Did you give your lawyer, Mr. Jubb,</p> <p>24 permission to tell Zachary Brusko regarding the</p> <p>25 allegation by Mr. Poulos?</p>
<p style="text-align: right;">Page 259</p> <p>1 have been there. And I don't recall ever having done</p> <p>2 that. So, no</p> <p>3 Q. Okay. So Delray Beach, Florida, for 15</p> <p>4 months you worked as an actuary?</p> <p>5 A. Yes.</p> <p>6 Q. So you may have signed a nondisclosure</p> <p>7 agreement when you departed your job with the actuary?</p> <p>8 A. I may have. I don't remember doing it.</p> <p>9 Q. Did you sign a nondisclosure agreement in</p> <p>10 connection with your departure from any of the</p> <p>11 financial institutions that you worked -- excuse me.</p> <p>12 Let me start again. Did you sign a nondisclosure</p> <p>13 agreement with any of the academic institutions that</p> <p>14 you worked for, in connection with your departure?</p> <p>15 A. No.</p> <p>16 Q. Have you ever been subject to discipline at</p> <p>17 any job?</p> <p>18 A. Just the -- the one incident I shared with</p> <p>19 you.</p> <p>20 Q. Have you -- other than the incident you</p> <p>21 shared from The Andrews School, have you ever been</p> <p>22 reprimanded at any job?</p> <p>23 A. I don't think so.</p> <p>24 Q. Can you remind me again where you completed</p> <p>25 your undergraduate and graduate degree?</p>	<p style="text-align: right;">Page 261</p> <p>1 MR. JUBB: Well, just phrase it -- it's</p> <p>2 objectionable as phrased. I think you can</p> <p>3 clarify, but I think as phrased I think it's</p> <p>4 asking him to talk about what he discussed</p> <p>5 with me. But I don't have a general</p> <p>6 objection.</p> <p>7 BY MS. DOUGHERTY:</p> <p>8 Q. Did Mr. Jubb have your authority to tell Mr.</p> <p>9 Brusko about Mr. Poulos's claims against you?</p> <p>10 Accusations against you?</p> <p>11 A. Yes.</p> <p>12 Q. When was the last time you spoke to Mr.</p> <p>13 Brusko?</p> <p>14 A. Last time I spoke with him would have been</p> <p>15 before I left The Hill School in 2009. The last time I</p> <p>16 communicated with him would have been sometime after</p> <p>17 that. He was -- I can't tell you date. I was in</p> <p>18 Michigan and he was leaving Hill and I had questions</p> <p>19 about schools. I think that was by e-mail. I don't</p> <p>20 think we spoke.</p> <p>21 Q. Have you had any contact with Mr. Brusko</p> <p>22 since April 11th, 2018?</p> <p>23 A. No.</p> <p>24 Q. Do you have an understanding of what Mr.</p> <p>25 Brusko's opinion of you is?</p>

<p style="text-align: right;">Page 262</p> <p>1 A. Yes. I think.</p> <p>2 Q. What is your understanding of Mr. Brusko's</p> <p>3 opinion of you?</p> <p>4 A. I think it's high. He enjoyed working with</p> <p>5 me. I know that. Hat's all I got to base it on.</p> <p>6 Q. Has Mr. Brusko expressed to you that his</p> <p>7 opinion of you has changed in any way since learning</p> <p>8 the accusations by Mr. Poulos?</p> <p>9 A. No. As I said, I haven't had any contact</p> <p>10 with him since the letter.</p> <p>11 Q. Who is James Brobyn, B-R-O-B-Y-N?</p> <p>12 A. Former student. Also from those -- the same</p> <p>13 -- graduated in 1995.</p> <p>14 Q. So two years before Mr. Poulos?</p> <p>15 A. Yes.</p> <p>16 Q. Did you tell Mr. Brobyn about the accusations</p> <p>17 by Mr. Poulos?</p> <p>18 A. I did not.</p> <p>19 Q. Do you know what Mr. Brobyn's opinion of you</p> <p>20 is?</p> <p>21 A. I do.</p> <p>22 Q. What is Mr. Brobyn's opinion of you?</p> <p>23 A. Very high.</p> <p>24 Q. Mr. Brobyn has not stopped associating with</p> <p>25 you in any way, correct?</p>	<p style="text-align: right;">Page 264</p> <p>1 any reason to believe that Mr. Brobyn's opinion of you</p> <p>2 has changed since learning the accusations by Mr.</p> <p>3 Poulos?</p> <p>4 A. No.</p> <p>5 Q. When is the time you spoke to Mr. Brobyn?</p> <p>6 A. I've not spoke with him. He has -- we've</p> <p>7 shared text messages within the last year. He's part</p> <p>8 of a business that he's trying to establish himself in</p> <p>9 northern Michigan. So when he goes out, he'll let me</p> <p>10 know. And if I'm there -- We have not gotten together.</p> <p>11 It hasn't lined up. But he wonders if I'm there and if</p> <p>12 I'd be able to get together.</p> <p>13 Q. Do you know when Mr. Brobyn learned about the</p> <p>14 accusations by Mr. Poulos?</p> <p>15 A. Do I know when?</p> <p>16 Q. Um-hum.</p> <p>17 A. I don't remember.</p> <p>18 Q. Here is what I really want to know. Have you</p> <p>19 spoken to Mr. -- or texted -- let me start again. Have</p> <p>20 you communicated with Mr. Brobyn since Mr. Brobyn</p> <p>21 learned about the accusations by Mr. Poulos?</p> <p>22 A. Yes.</p> <p>23 Q. So Mr. Brobyn has not stopped associating</p> <p>24 with you since learning the accusations by Mr. Poulos,</p> <p>25 is that right?</p>
<p style="text-align: right;">Page 263</p> <p>1 A. Has not?</p> <p>2 Q. Has not stopped associating with you in any</p> <p>3 way, correct?</p> <p>4 A. No.</p> <p>5 Q. Do you know whether Mr. Brobyn knows about</p> <p>6 the accusations by Mr. Poulos, even though you did not</p> <p>7 tell him?</p> <p>8 A. Yes.</p> <p>9 Q. Does Mr. Brobyn know about the accusations by</p> <p>10 Mr. Poulos?</p> <p>11 A. He does.</p> <p>12 Q. Do you know how Mr. Brobyn learned about the</p> <p>13 accusations by Mr. Poulos?</p> <p>14 A. I do.</p> <p>15 Q. How did Mr. Brobyn learn about the</p> <p>16 accusations by Mr. Poulos?</p> <p>17 A. He spoke with Mr. Jubb.</p> <p>18 Q. Did you give Mr. Jubb authority to sell Mr.</p> <p>19 Brobyn about the accusations by Mr. Poulos?</p> <p>20 A. I'm sorry, I must be getting --</p> <p>21 Q. I'm sorry. Did you give Mr. Jubb authority</p> <p>22 to tell Mr. Brobyn about the accusations by Mr. Poulos?</p> <p>23 A. Yes.</p> <p>24 Q. Do you have any information about whether the</p> <p>25 information that -- let me start again. Do you have</p>	<p style="text-align: right;">Page 265</p> <p>1 A. That's correct.</p> <p>2 Q. The house -- let me start again. Your</p> <p>3 residence in Ohio, is that a house?</p> <p>4 A. It's a condominium.</p> <p>5 Q. It's a condominium? So it's in a building</p> <p>6 with other condominiums?</p> <p>7 A. It's not -- they're side by side. It's not</p> <p>8 an apartment building.</p> <p>9 Q. It's like a complex?</p> <p>10 A. It is a complex.</p> <p>11 Q. How many units are in the complex?</p> <p>12 A. Wow. A bunch. I don't know.</p> <p>13 Q. Here's what I want to know, is if you have</p> <p>14 neighbors close by.</p> <p>15 A. I do.</p> <p>16 Q. Do you socialize with your neighbors?</p> <p>17 A. Yes.</p> <p>18 Q. Do any of your neighbors know about the</p> <p>19 letters or the accusations by Mr. Poulos?</p> <p>20 A. No.</p> <p>21 Q. Who is in your community?</p> <p>22 MR. JUBB: Object to the form.</p> <p>23 THE WITNESS: What's your question?</p> <p>24 BY MS. DOUGHERTY:</p> <p>25 Q. Who do you consider to be in your community?</p>

<p style="text-align: right;">Page 266</p> <p>1 Do you have a community?</p> <p>2 A. You mean my -- I guess -- can you define what</p> <p>3 you mean by community?</p> <p>4 Q. Sure. Your -- I guess the social circle of</p> <p>5 -- let me start again. I guess the circle of people in</p> <p>6 which you communicate and live and interact.</p> <p>7 A. Okay. In Ohio, it's my wife, a neighbor. My</p> <p>8 wife's brother, with whom I lived in college. And his</p> <p>9 wife. I have a childhood friend there.</p> <p>10 Q. Okay. So other than your wife, do any of the</p> <p>11 people in your Ohio community know about the</p> <p>12 accusations by Mr. Poulos?</p> <p>13 A. They do.</p> <p>14 Q. Do all of the people you just identified to</p> <p>15 me, who are your Ohio community, know about the</p> <p>16 accusations by Mr. Poulos?</p> <p>17 A. No.</p> <p>18 Q. Which ones?</p> <p>19 A. The neighbor does not.</p> <p>20 Q. Oh. I'm sorry. The brother of -- was that</p> <p>21 your brother or somebody else?</p> <p>22 A. Mary Beth's brother. My wife's brother.</p> <p>23 Q. Your wife's brother.</p> <p>24 A. My brother-in-law.</p> <p>25 Q. Does your brother-in-law know about the</p>	<p style="text-align: right;">Page 268</p> <p>1 A. No.</p> <p>2 Q. Did your brother-in-law stop associating with</p> <p>3 you when he learned about the accusations by Mr.</p> <p>4 Poulos?</p> <p>5 A. No.</p> <p>6 Q. How about your sister-in-law, do you know her</p> <p>7 opinion of you?</p> <p>8 A. I assume it's high.</p> <p>9 Q. And do you know -- let me start again. Has</p> <p>10 your sister-in-law's opinion of you changed since</p> <p>11 learning the accusations by Mr. Poulos?</p> <p>12 A. No.</p> <p>13 Q. So your sister-in-law's opinion of you is</p> <p>14 still high, is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And your sister-in-law has not stopped</p> <p>17 associating with you after learning the accusations by</p> <p>18 Mr. Poulos, is that right?</p> <p>19 A. That's right.</p> <p>20 Q. And your childhood friend, has your -- do you</p> <p>21 -- is your childhood friend's opinion of you high?</p> <p>22 A. I don't think so. No.</p> <p>23 Q. You think your childhood friend doesn't have</p> <p>24 a high opinion of you?</p> <p>25 A. Oh, oh.</p>
<p style="text-align: right;">Page 267</p> <p>1 accusations of Mr. Poulos?</p> <p>2 A. Yes.</p> <p>3 Q. And does your sister-in-law know about the</p> <p>4 accusations by Mr. Poulos?</p> <p>5 A. Yes.</p> <p>6 Q. And your childhood friend?</p> <p>7 A. Yes.</p> <p>8 Q. How did the -- how did your brother-in-law,</p> <p>9 sister-in-law and childhood friend learn about the</p> <p>10 accusations by Mr. Poulos?</p> <p>11 A. Initially, I can't tell you the conversation,</p> <p>12 I mean --</p> <p>13 Q. Did they learn about it from you?</p> <p>14 A. My wife. They learned, initially, from Mary</p> <p>15 Beth. Mary Beth and her sister-in-law are pretty</p> <p>16 close.</p> <p>17 Q. So did your brother-in-law -- let me start</p> <p>18 again. Do you know your brother-in-law's opinion of</p> <p>19 you?</p> <p>20 A. Yes.</p> <p>21 Q. What is your brother-in-law's opinion of you?</p> <p>22 A. Very high.</p> <p>23 Q. And did your brother-in-law's opinion of you</p> <p>24 change when he learned about the accusations by Mr.</p> <p>25 Poulos?</p>	<p style="text-align: right;">Page 269</p> <p>1 Q. I thought you were teasing me.</p> <p>2 A. I'm sorry. No.</p> <p>3 Q. I was going to say, why did we pick that one?</p> <p>4 A. He does.</p> <p>5 Q. Okay.</p> <p>6 THE VIDEOGRAPHER: Five minutes for</p> <p>7 chapter change.</p> <p>8 MS. DOUGHERTY: Okay.</p> <p>9 BY MS. DOUGHERTY:</p> <p>10 Q. And so your childhood friend's opinion of you</p> <p>11 is high, is that right?</p> <p>12 A. It is.</p> <p>13 Q. And has his opinion of you changed since</p> <p>14 learning the accusations by Mr. Poulos?</p> <p>15 A. No.</p> <p>16 Q. And so as far as you know, your childhood</p> <p>17 friend's opinion of you is still high?</p> <p>18 A. Yes.</p> <p>19 Q. And he's not stopped associating with you</p> <p>20 since learning the accusations by Mr. Poulos?</p> <p>21 A. He has not.</p> <p>22 Q. As we -- have we covered everybody who you</p> <p>23 consider to be in your Ohio community?</p> <p>24 A. Yes.</p> <p>25 Q. Do you have other communities?</p>

<p style="text-align: right;">Page 270</p> <p>1 A. I have friends in Michigan.</p> <p>2 Q. So you consider that you have a Michigan</p> <p>3 community?</p> <p>4 A. I beg your pardon?</p> <p>5 Q. Who is in your Michigan community? And your</p> <p>6 wife can just be included in all.</p> <p>7 A. Okay. She is included in all.</p> <p>8 Q. I'll just put her down immediately.</p> <p>9 A. Yeah. I have a friend who owns a business,</p> <p>10 who I've known since he moved there in 2000 and -- I'm</p> <p>11 going to say '10 or '11. And I have a -- another</p> <p>12 friend whom I met actually through the one that owns</p> <p>13 the business. And then Dr. Siemer I consider a friend</p> <p>14 and part of my community.</p> <p>15 Q. Okay. And so do the individuals in your</p> <p>16 Michigan community know about the accusations by Mr.</p> <p>17 Poulos?</p> <p>18 A. They do.</p> <p>19 Q. And how did the individuals in the Michigan</p> <p>20 -- let me start again. How did the individuals in your</p> <p>21 Michigan community learn about the accusations by Mr.</p> <p>22 Poulos?</p> <p>23 A. I shared with them when I was no longer</p> <p>24 working.</p> <p>25 Q. So is it --</p>	<p style="text-align: right;">Page 272</p> <p>1 accusations?</p> <p>2 A. He does.</p> <p>3 Q. And did he learn about the accusations from</p> <p>4 you?</p> <p>5 A. He did.</p> <p>6 Q. And I assume that John's opinion of you is</p> <p>7 high?</p> <p>8 A. Yes. I would think so.</p> <p>9 Q. And John didn't credit the accusations by Mr.</p> <p>10 Poulos like Mark didn't, right?</p> <p>11 A. I'm sorry, he didn't --</p> <p>12 Q. He did not credit the allegations by Mr.</p> <p>13 Poulos --</p> <p>14 A. No.</p> <p>15 Q. -- just like Mark didn't credit the</p> <p>16 allegations --</p> <p>17 A. Correct.</p> <p>18 Q. -- by Mr. Poulos.</p> <p>19 A. Correct.</p> <p>20 Q. And so as far as you know, John's opinion of</p> <p>21 you is still high, and he has not stopped associating</p> <p>22 with you, is that right?</p> <p>23 A. Correct. Yes.</p> <p>24 Q. Is there anyone -- can you identify anybody</p> <p>25 for me whose opinion has changed since learning the</p>
<p style="text-align: right;">Page 271</p> <p>1 A. I answered the questions of why aren't you</p> <p>2 working.</p> <p>3 Q. So is it correct that the individuals in your</p> <p>4 Michigan community all have a high opinion of you, as</p> <p>5 far as you know?</p> <p>6 A. Yes. They do.</p> <p>7 Q. And has the opinion of anyone in your</p> <p>8 Michigan community changed since they learned the</p> <p>9 accusations by Mr. Poulos?</p> <p>10 A. It has not.</p> <p>11 Q. So all the individuals in your Michigan</p> <p>12 community, as far as you know, still have a high</p> <p>13 opinion of you, is that right?</p> <p>14 A. Yes.</p> <p>15 Q. And no one in your Michigan community has</p> <p>16 stopped associating with you, is that right?</p> <p>17 A. That's right.</p> <p>18 Q. Do you have any other communities, other than</p> <p>19 your Ohio community and your Michigan community?</p> <p>20 A. Wow. My brother. I have a second brother</p> <p>21 who's ten years younger than I. I didn't grow up with</p> <p>22 him.</p> <p>23 Q. Not Mark? Somebody else?</p> <p>24 A. Yes. His name is John.</p> <p>25 Q. Does John know about Mr. Poulos's</p>	<p style="text-align: right;">Page 273</p> <p>1 accusations by Mr. Poulos?</p> <p>2 MR. JUBB: I'll objection to the form.</p> <p>3 THE WITNESS: Mr. Lehman's ultimately</p> <p>4 has. I can tell you one of my most vivid</p> <p>5 bouts of anxiety was before I -- my last trip</p> <p>6 as a member of the -- active member of the</p> <p>7 development crew as a capital giving officer,</p> <p>8 was a trip with the board chair. And I knew</p> <p>9 the board chair had to know. And he said</p> <p>10 nothing to me. And I spent that whole trip</p> <p>11 wondering.</p> <p>12 So I have no idea what his opinion -- if</p> <p>13 his opinion has changed. But that felt to me</p> <p>14 like it had. Former headmaster, Mr.</p> <p>15 Dougherty, I can't tell you his, except I</p> <p>16 know I haven't spoken with him since the</p> <p>17 letters arrived.</p> <p>18 BY MS. DOUGHERTY:</p> <p>19 Q. Well, does Mr. Dougherty know about the</p> <p>20 accusations by Mr. Poulos?</p> <p>21 A. Yes.</p> <p>22 Q. How do you know that?</p> <p>23 A. Because I asked him at one point if I could</p> <p>24 speak with him, just get his opinion on some things.</p> <p>25 And his response was, he would love to talk with me,</p>

<p style="text-align: right;">Page 274</p> <p>1 but if it had anything to do with legal proceedings at</p> <p>2 the school he couldn't. And that was the only legal --</p> <p>3 potential legal proceedings, or legal -- I guess what I</p> <p>4 would consider legal proceedings at the time.</p> <p>5 Q. When was that?</p> <p>6 A. That was in March of 2019.</p> <p>7 Q. Mr. Dougherty also knew Mr. Poulos, right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 THE VIDEOGRAPHER: Going off record.</p> <p>11 4:39.</p> <p>12 * * *</p> <p>13 (Whereupon, a short break was taken.)</p> <p>14 * * *</p> <p>15 THE VIDEOGRAPHER: Back on, 4:52.</p> <p>16 BY MS. DOUGHERTY:</p> <p>17 Q. Okay. So what is the basis for your belief</p> <p>18 that Mr. Lehman's opinion of you changed because of the</p> <p>19 allegation by Mr. Poulos?</p> <p>20 A. Well, I'm not working there anymore. I guess</p> <p>21 that's the basis of it.</p> <p>22 Q. Well, you're not working there anymore</p> <p>23 because of Mr. Poulos's allegation or because of the</p> <p>24 lawsuit that you filed?</p> <p>25 MR. JUBB: Objection to the form. Asked</p>	<p style="text-align: right;">Page 276</p> <p>1 Q. So you're just assuming because you no longer</p> <p>2 work at The Hill School that Mr. Lehman's opinion of</p> <p>3 you changed?</p> <p>4 A. Yes.</p> <p>5 Q. Because of the accusations by Mr. Poulos?</p> <p>6 A. At the core, yes. And, yes.</p> <p>7 Q. And any -- so Mr. Lehman, the board chair,</p> <p>8 Mr. Dougherty, anyone else that you can identify whose</p> <p>9 opinion of you changed because of learning about the</p> <p>10 allegations by Mr. Poulos?</p> <p>11 A. No.</p> <p>12 Q. Is there anyone that you can identify who</p> <p>13 stopped associating with you because of the -- because</p> <p>14 they learned of the allegations by Mr. Poulos?</p> <p>15 MR. JUBB: Other than what we discussed.</p> <p>16 BY MS. DOUGHERTY:</p> <p>17 Q. Well, is the list the same? I don't think it</p> <p>18 is. As the board -- did the board chair associate it</p> <p>19 with you before?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So the board chair no longer</p> <p>22 associates with you?</p> <p>23 A. Correct.</p> <p>24 Q. And you're just assuming that it has</p> <p>25 something to do with the allegations by Mr. Poulos, but</p>
<p style="text-align: right;">Page 275</p> <p>1 and answered.</p> <p>2 THE WITNESS: I don't -- again, I don't</p> <p>3 know how to separate them in a way to answer</p> <p>4 that. Can I ask -- when we left for break,</p> <p>5 or changed the -- you had asked me about</p> <p>6 community.</p> <p>7 BY MS. DOUGHERTY:</p> <p>8 Q. Um-hum.</p> <p>9 A. We covered places we own homes. And I had</p> <p>10 asked you to define community.</p> <p>11 Q. Okay.</p> <p>12 A. My question around that is, I have -- there</p> <p>13 are other people who know, but that was the result of</p> <p>14 me no longer working. I don't see them regularly. But</p> <p>15 I communicate with them. Is that part of my</p> <p>16 communicate -- part of my community?</p> <p>17 Q. Well, it's really up to you, as to what you</p> <p>18 consider to be your community. So I'll come back to</p> <p>19 that. Let's just finish up with Mr. Lehman.</p> <p>20 A. All right.</p> <p>21 Q. But I appreciate you bringing it to my</p> <p>22 attention, because it's important for me to know. So</p> <p>23 did you ever discuss with Mr. Lehman his current</p> <p>24 opinion of you?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 277</p> <p>1 you don't know, because you never asked, right?</p> <p>2 MR. JUBB: I'll object to the form.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MS. DOUGHERTY:</p> <p>5 Q. And then Mr. Lehman, Mr. Dougherty, anyone</p> <p>6 else that has stopped associating with you because of</p> <p>7 the allegations by Mr. Poulos?</p> <p>8 A. Any of the people I know on the board of</p> <p>9 trustees.</p> <p>10 Q. Who are the people on the board of trustees</p> <p>11 who stopped associating with you because of the</p> <p>12 allegations by Mr. Poulos?</p> <p>13 A. I won't be able to give you an exhaustive</p> <p>14 list, but I can tell you some. Hans Maentz.</p> <p>15 Q. Well, I'm not asking for a list of everybody</p> <p>16 on the board of trustees. I want to know who stopped</p> <p>17 associating with you.</p> <p>18 A. I haven't associated with any of them.</p> <p>19 Q. Did you associate with them before?</p> <p>20 A. Yes.</p> <p>21 Q. All right. So go ahead and tell me the list</p> <p>22 of people from the board of trustees who stopped</p> <p>23 associating because of the allegations by Mr. Poulos.</p> <p>24 A. I know one is Hans Maentz.</p> <p>25 Q. Hans, did you say?</p>

<p style="text-align: right;">Page 278</p> <p>1 A. H-A-N-S. And Maentz is M-A-E-N-T-Z. Another</p> <p>2 is Shelly Gyves. G-Y-E -- G-Y-V-E-S. Doug Brody.</p> <p>3 That's B-R-O-D-Y. Doug Bouquard. B-O-U-Q -- I don't</p> <p>4 know if there's a U, but the end is A-R-D. I'm trying</p> <p>5 to think who else. Oh, Madison Byrnes, B-Y-R-N-E-S.</p> <p>6 Assuming she's still -- I don't know if any of them are</p> <p>7 still on the board, but. I know Hans is still on the</p> <p>8 board. I'm pretty sure Shelly is. I know -- I -- I</p> <p>9 know Doug Bouquard is still on the board.</p> <p>10 Q. Anybody else?</p> <p>11 A. Not that's coming to mind. Oh, Geoff</p> <p>12 Richards. Which is J -- or G-E-O-F-F. That's Geoff.</p> <p>13 Mr. Aithe, he just retired from it, but you already got</p> <p>14 him. And, I'm sorry, I'm not thinking of who else is</p> <p>15 on the board.</p> <p>16 Q. Okay. So you were telling me about your</p> <p>17 community. You identified your Ohio community, your</p> <p>18 Michigan community, and then you were telling me about</p> <p>19 your family. Are there other people in your community?</p> <p>20 A. That I consider my community, yes.</p> <p>21 Q. Who?</p> <p>22 A. Most of those people are alumni of the</p> <p>23 school.</p> <p>24 Q. Do any of the people in your community that</p> <p>25 are alumni of the school know of the accusations by Mr.</p>	<p style="text-align: right;">Page 280</p> <p>1 BY MS. DOUGHERTY:</p> <p>2 Q. I forget what I was asking. Did anyone in</p> <p>3 your -- has anyone in your alumni community stopped</p> <p>4 associating with you since you told them about the</p> <p>5 accusations against you?</p> <p>6 A. Yes.</p> <p>7 Q. Who in your alumni community stopped</p> <p>8 associating with you since learning about the</p> <p>9 accusations by Mr. -- the accusations?</p> <p>10 A. Mostly some with whom I did not have</p> <p>11 continuous relationship since they graduated.</p> <p>12 Q. I need names.</p> <p>13 A. Oh. I'll give you Faizeen, F-A-I-Z-E-E-N,</p> <p>14 Khandker, K-H-A-N-D-K-E-R.</p> <p>15 Q. K-H-A-N-D-- E-R or A-R?</p> <p>16 A. I don't know.</p> <p>17 Q. All right.</p> <p>18 A. I would spell it E-R.</p> <p>19 Q. Okay.</p> <p>20 A. But I don't know if that's right.</p> <p>21 Q. Others from your alumni community who have</p> <p>22 stopped associating with you after learning about</p> <p>23 accusations from you?</p> <p>24 A. There are, but I can't tell you, because of</p> <p>25 that. Faizeen I know, because he called and asked me</p>
<p style="text-align: right;">Page 279</p> <p>1 Poulos?</p> <p>2 A. They know of accusations. They don't know by</p> <p>3 whom. They know I'm no longer at the school, which is</p> <p>4 what I shared with them.</p> <p>5 Q. So the -- can we just call them your alumni</p> <p>6 community? Is that a fair characterization?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. So the -- I'm not trying to restrict</p> <p>9 you. I'm --</p> <p>10 A. Oh, I know.</p> <p>11 Q. -- just trying to use a word we can agree on.</p> <p>12 So the alumni community, they learned that there were</p> <p>13 accusations against you by a student?</p> <p>14 A. Yes.</p> <p>15 Q. By who -- by you?</p> <p>16 A. Yes. And, yes.</p> <p>17 Q. Have any of the individuals in your alumni</p> <p>18 community who stopped associating with you stopped</p> <p>19 since you --</p> <p>20 MR. MCCARRON: Hey, anthony -- oh,</p> <p>21 sorry.</p> <p>22 MS. DOUGHERTY: Hello?</p> <p>23 MR. MCCARRON: Sorry, I didn't mean</p> <p>24 to --</p> <p>25 MS. DOUGHERTY: You scared me.</p>	<p style="text-align: right;">Page 281</p> <p>1 when I was coming back from where he is. And I had to</p> <p>2 tell him I was no longer there. So there are others</p> <p>3 I'm not in communication with, but I can't tell you</p> <p>4 what they do or don't know.</p> <p>5 Q. Okay. So Faizeen Khandker, did I say that</p> <p>6 right?</p> <p>7 A. Khandker.</p> <p>8 Q. Khandker, okay. He's the only person from</p> <p>9 your alumni community who you informed about</p> <p>10 accusations and who you know has stopped associating</p> <p>11 with you since and because of learning about the</p> <p>12 accusations, is that right?</p> <p>13 A. I think so.</p> <p>14 Q. What do you mean I think so?</p> <p>15 A. Well, I -- I don't communicate as much with</p> <p>16 some of them, but they've got young -- I mean, it's</p> <p>17 mostly life going on. I haven't heard from Faizeen</p> <p>18 since. The reason his name comes to mind is he called</p> <p>19 me and wanted to know when I would be in Chicago again</p> <p>20 in the capacity of my work, and I told him I wouldn't.</p> <p>21 He asked why not, and I said because I'm no longer</p> <p>22 working at the school.</p> <p>23 Q. Do you have a -- how do we find out all the</p> <p>24 people that you told about the accusations?</p> <p>25 A. Well, I can share the community name if we go</p>

<p style="text-align: right;">Page 282</p> <p>1 on. You asked that question specifically about those</p> <p>2 who had stopped communicating with me.</p> <p>3 Q. Okay. So you have like a -- like a group in</p> <p>4 Facebook or something?</p> <p>5 A. No. Heavens no, no, no.</p> <p>6 Q. Okay. I don't understand what you mean, so</p> <p>7 can you explain what you mean?</p> <p>8 A. Well, there are alumni with whom I've</p> <p>9 developed friendships over the years. There are three</p> <p>10 brothers who I've known since 1992.</p> <p>11 Q. Would you have, like, a list of all the</p> <p>12 people you told about the accusations? I thought you</p> <p>13 were suggesting that you had a -- like a group or</p> <p>14 something.</p> <p>15 A. Oh, no, no, no.</p> <p>16 Q. Because you said community.</p> <p>17 A. When you said community, my brain is -- no, I</p> <p>18 don't have a list and there's no set of people that I</p> <p>19 -- those three brothers I did make a point.</p> <p>20 Q. Did they stop associating with you?</p> <p>21 A. No.</p> <p>22 Q. Anybody else who you told about the</p> <p>23 accusations uh-uh stopped associating with you?</p> <p>24 A. No.</p> <p>25 Q. Anyone -- go ahead.</p>	<p style="text-align: right;">Page 284</p> <p>1 to meet with anyone at the school, because he said his</p> <p>2 experience was not -- academically was good, but he</p> <p>3 said socially it wasn't extraordinary. I acknowledged</p> <p>4 and said I'd still like to meet if he was open to it.</p> <p>5 And after that he was -- would always wonder</p> <p>6 when I was coming to Chicago so we could visit. And he</p> <p>7 called me sometime after I wasn't working. I can't</p> <p>8 tell you when, but it was after I wasn't working, and</p> <p>9 asked me. And that's when I shared it with him.</p> <p>10 Q. Okay. So you have stopped associating with</p> <p>11 Faizeen because you no longer work in the alumni</p> <p>12 office, is that right?</p> <p>13 MR. JUBB: Objection to the form.</p> <p>14 BY MS. DOUGHERTY:</p> <p>15 Q. I mean, Faizeen has no reason to associate</p> <p>16 with you, because you're not part of the alumni office,</p> <p>17 is that right?</p> <p>18 MR. JUBB: Objection to the form.</p> <p>19 THE WITNESS: I can't say why he doesn't</p> <p>20 any longer. I can say that would be the</p> <p>21 frequency.</p> <p>22 BY MS. DOUGHERTY:</p> <p>23 Q. I thought that you said that you associated</p> <p>24 with him in the capacity of your work in the alumni</p> <p>25 office, and he was trying to find out when you were</p>
<p style="text-align: right;">Page 283</p> <p>1 A. No. That I know, no.</p> <p>2 Q. Anyone.</p> <p>3 A. That I have told, no.</p> <p>4 Q. Okay. And is there anyone else that you've</p> <p>5 informed about the accusations? I'm saying</p> <p>6 accusations, because I realize sometimes you didn't</p> <p>7 attribute it to a person, you know, attribute it to Mr.</p> <p>8 Poulos. Is there anyone who you informed of the</p> <p>9 accusations who you know their opinion of you changed</p> <p>10 because of the accusations, other than who you told me?</p> <p>11 A. No.</p> <p>12 Q. Did we cover your community now?</p> <p>13 A. Yeah. Yes.</p> <p>14 Q. Okay. Back to D-4, which is the December</p> <p>15 26th, 2018 letter. We were on the second paragraph.</p> <p>16 A. I'm sorry, second paragraph?</p> <p>17 Q. I would just finish the second paragraph.</p> <p>18 Let me just ask you before I -- so I don't have to come</p> <p>19 back. So you said, I think, that Faizeen has stopped</p> <p>20 associating with you. How did you previously associate</p> <p>21 with Faizeen? Like before you told him about the</p> <p>22 accusations.</p> <p>23 A. In capacity of my work in the alumni office.</p> <p>24 He -- he's in Chicago. I reached out to him, because</p> <p>25 he was someone in Chicago I know. He first didn't want</p>	<p style="text-align: right;">Page 285</p> <p>1 coming to Chicago in that capacity, right?</p> <p>2 MR. JUBB: Objection to the form.</p> <p>3 THE WITNESS: I was hired because of my</p> <p>4 relationship with alumni, so --</p> <p>5 BY MS. DOUGHERTY:</p> <p>6 Q. Right. But you have no reason to associate</p> <p>7 with Faizeen now, because you are no longer with the</p> <p>8 alumni office, is that right?</p> <p>9 MR. JUBB: Objection to the form.</p> <p>10 THE WITNESS: I -- I have no reason,</p> <p>11 myself, to reach out to him.</p> <p>12 BY MS. DOUGHERTY:</p> <p>13 Q. Well, the same for him, right? Because</p> <p>14 you're not able to help him with his alumni work,</p> <p>15 right?</p> <p>16 A. I don't -- in a formal capacity with the</p> <p>17 school, that would be true. In a capacity of can I</p> <p>18 introduce him to other alumni who are in a similar line</p> <p>19 of business to him, that would not be true.</p> <p>20 Q. Were you still allowed to do stuff like that?</p> <p>21 Are you still allowed to represent the school?</p> <p>22 A. I was -- I was not. And -- I was not. I was</p> <p>23 not allowed to represent myself as an employee at the</p> <p>24 school, or have an association with the school. That</p> <p>25 -- and I don't.</p>

<p style="text-align: right;">Page 286</p> <p>1 Q. Right. So the reason you don't associate 2 with Faizeen is because you no longer work at The Hill 3 School, right?</p> <p>4 MR. JUBB: Objection to the form.</p> <p>5 THE WITNESS: I -- I guess you can say 6 that. It's not complete or a completely fair 7 answer.</p> <p>8 BY MS. DOUGHERTY:</p> <p>9 Q. Is that the same as it relates to the Board 10 of trustees? Did you associate with the members of the 11 board of trustees because you were capital giving 12 officer in the development -- alumni and development 13 office?</p> <p>14 MR. JUBB: Objection to the form.</p> <p>15 THE WITNESS: Most of them.</p> <p>16 BY MS. DOUGHERTY:</p> <p>17 Q. Okay. And so now you don't associate with 18 the board of trustees, because you no longer hold that 19 position, right?</p> <p>20 MR. JUBB: Objection to the form.</p> <p>21 THE WITNESS: I -- I guess.</p> <p>22 BY MS. DOUGHERTY:</p> <p>23 Q. Okay. Which ones on the -- you said most of 24 them, I think. So which ones on the list do you 25 associate with other than because of your position as a</p>	<p style="text-align: right;">Page 288</p> <p>1 Because it began after that.</p> <p>2 Q. So it's the case that --</p> <p>3 A. I'm sorry, it did not begin after that. It's 4 the result of being on paid administrative leave, 5 because I was not allowed to attend the reunion that 6 June.</p> <p>7 Q. Okay. So you're not allowed to go because 8 the school says so? You're not not going by choice, 9 right?</p> <p>10 A. Yes. No, I'm not. I'm --</p> <p>11 Q. Okay. So the reason why you can't associate 12 with Hans is because -- also because you lost your 13 position and you're not permitted to attend reunions, 14 right?</p> <p>15 MR. JUBB: Objection to the form.</p> <p>16 THE WITNESS: If I were in Los Angeles I 17 would not hesitate to call Hans. I'm not 18 sure what his response would be.</p> <p>19 BY MS. DOUGHERTY:</p> <p>20 Q. Okay. So you haven't tried?</p> <p>21 A. No.</p> <p>22 Q. So you don't know that he actually stopped 23 associating with you? You just haven't had occasion to 24 see him, because you're not in your position, right?</p> <p>25 MR. JUBB: Objection to the form.</p>
<p style="text-align: right;">Page 287</p> <p>1 capital giving officer? We had Hans, Shelly, Doug, 2 Doug, Madison and Geoff.</p> <p>3 A. It would have been -- would be Hans. 4 Although less in recent years than previously. He was 5 once a faculty member at the school and lived in a dorm 6 when we were there and the boys were young. And again, 7 less frequently, but Shelly Gyves, who is married to an 8 alumnus. I take that back. You can scratch Shelly 9 off. I think it was Dan's brother who worked at a 10 school in North Carolina that I saw. So you can 11 scratch her off. It would be most -- it would be Hans.</p> <p>12 Q. Okay. So how did you associate with Hans 13 before you -- he learned about the accusations?</p> <p>14 A. Well, in the time frame it would have been -- 15 I would have seen him when we were both on campus, in 16 my role. I would have associated with him at reunions 17 when he was back. Even if I wasn't employed at the 18 school. And occasionally there were life events and 19 people we both knew well that he would share with me or 20 I would share with him.</p> <p>21 Q. Are you prohibited from going to reunions?</p> <p>22 A. Yes.</p> <p>23 Q. Is that part of the October 14th, 2019 24 letter?</p> <p>25 A. That's a good question. I'll say yes.</p>	<p style="text-align: right;">Page 289</p> <p>1 BY MS. DOUGHERTY:</p> <p>2 Q. You weren't permitted to go to the reunion.</p> <p>3 MR. JUBB: Objection to the form.</p> <p>4 THE WITNESS: I guess.</p> <p>5 BY MS. DOUGHERTY:</p> <p>6 Q. What do you mean you guess?</p> <p>7 A. I can't --</p> <p>8 Q. You haven't --</p> <p>9 A. -- answer --</p> <p>10 Q. -- tried to associate with Hans, right?</p> <p>11 A. I can't answer what the board has been 12 directed as far as communicating with me. I don't know 13 that.</p> <p>14 Q. Okay.</p> <p>15 A. I can only draw assumptions, so I guess.</p> <p>16 Q. So D-4 -- oh -- you know what, I almost 17 forgot. Mr. Dougherty, how are you associated with Mr. 18 Dougherty since he stopped being the headmaster of The 19 Hill School?</p> <p>20 A. I don't know. He and his wife retired to 21 Wilmington, North Carolina, which is where my mother 22 lived. So I would see them when I visited my mother. 23 And we would see each other at Hill School alumni 24 weddings. Which -- and then also he would -- they 25 would come back for reunions and things.</p>

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<p>1 Q. Are you prohibited from attending alumni</p> <p>2 weddings?</p> <p>3 A. Yes.</p> <p>4 Q. Is that something you agreed to in an</p> <p>5 agreement with The Hill School?</p> <p>6 A. No. Uh -- no.</p> <p>7 Q. Do you have some type of an agreement with</p> <p>8 The Hill School?</p> <p>9 A. No.</p> <p>10 Q. Like a separation --</p> <p>11 A. Just --</p> <p>12 Q. -- agreement or something?</p> <p>13 A. -- just -- no. I have the directives that</p> <p>14 were in the letter. I don't recall if that's there. I</p> <p>15 do know that in 2020, prior to the reunion not</p> <p>16 happening, there were students in the Class of 1995</p> <p>17 that wanted me to come back. And one of the things the</p> <p>18 school will do is speak with representatives of a class</p> <p>19 and ask if there are people they want to be sure will</p> <p>20 attend the reunion and then they send an invitation. I</p> <p>21 was not allowed to do that.</p> <p>22 Q. Have you gone to visit your mother since</p> <p>23 March 2019?</p> <p>24 A. Yes. But that's -- she died February of '20.</p> <p>25 And in March of 2019 she was already declining.</p>	<p>1 that, except we don't have any association</p> <p>2 anymore.</p> <p>3 BY MS. DOUGHERTY:</p> <p>4 Q. Do you have any reason to believe Mr.</p> <p>5 Dougherty is refusing to associate with you?</p> <p>6 A. Any reason to believe?</p> <p>7 Q. Yeah.</p> <p>8 A. It's got to be the result of the letters and</p> <p>9 where we are today.</p> <p>10 Q. No. Just because you haven't seen somebody</p> <p>11 doesn't mean the person's refusing to associate with</p> <p>12 you. I'm trying to learn who will no longer associate</p> <p>13 with you or whose opinion of you changed, we went</p> <p>14 through that also, because of learning about the</p> <p>15 accusations by Mr. Poulos, or accusation as being</p> <p>16 attributable to Mr. Poulos, and you've -- I'm trying to</p> <p>17 learn why you believe that Mr. Dougherty is, like, just</p> <p>18 not associating with you as compared to, like, just</p> <p>19 being in Ireland.</p> <p>20 MR. JUBB: You've answered her question.</p> <p>21 THE WITNESS: I can't --</p> <p>22 MR. JUBB: You've answered her question.</p> <p>23 THE WITNESS: Oh, okay.</p> <p>24 MS. DOUGHERTY: I'm sorry, you're</p> <p>25 instructing him not to answer?</p>
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<p>1 Dementia. So, yes. I've seen -- I saw my mother.</p> <p>2 Q. Did you try to get together with Mr.</p> <p>3 Dougherty when you went to see your mother last?</p> <p>4 A. They were out of town. They have -- they</p> <p>5 have a summer home in Ireland.</p> <p>6 Q. Okay. So Mr. Dougherty didn't say "I don't</p> <p>7 want to get together with you". He said "I'm in</p> <p>8 Ireland", right?</p> <p>9 A. He did in March. He said he wouldn't talk to</p> <p>10 me.</p> <p>11 Q. He said he wouldn't -- he wouldn't talk to</p> <p>12 you about legal proceedings, right?</p> <p>13 A. Yes.</p> <p>14 Q. He didn't say he wouldn't talk to you period,</p> <p>15 right?</p> <p>16 A. Yes. Correct.</p> <p>17 Q. And so when -- then when you went to get</p> <p>18 together with him next, he didn't say I'm not going to</p> <p>19 get together with you. He said we're in Ireland,</p> <p>20 right?</p> <p>21 A. I can't tell you that I asked again.</p> <p>22 Q. So how do you know that Mr. Dougherty is not</p> <p>23 associating with you anymore?</p> <p>24 MR. JUBB: I'll object to the form.</p> <p>25 THE WITNESS: I don't know how to answer</p>	<p>1 MR. JUBB: I don't understand what the</p> <p>2 question is, other than the last one, which</p> <p>3 he already answered. You made a legal</p> <p>4 argument --</p> <p>5 MS. DOUGHERTY: So are you instructing</p> <p>6 him not to --</p> <p>7 MR. JUBB: I'm instructing him not to</p> <p>8 answer the statement. I have no idea what</p> <p>9 you're even asking him. The previous</p> <p>10 question.</p> <p>11 MS. DOUGHERTY: I just want an answer,</p> <p>12 Lane. I'm, like, not interested in hearing</p> <p>13 about it. So are you instructing him not to</p> <p>14 answer or not?</p> <p>15 MR. JUBB: I don't even -- there's not a</p> <p>16 question.</p> <p>17 MS. DOUGHERTY: He seemed to understand</p> <p>18 there was a question, because -- and was able</p> <p>19 to answer it.</p> <p>20 MR. JUBB: No, he was not.</p> <p>21 MS. DOUGHERTY: Yes, he was. He was</p> <p>22 answering it.</p> <p>23 MR. JUBB: You were arguing with the</p> <p>24 witness, giving him a legal argument.</p> <p>25 MS. DOUGHERTY: I was not arguing with</p>

<p style="text-align: right;">Page 294</p> <p>1 the witness, okay. It is 5:15. I'm not</p> <p>2 wasting my time listening to this. Are you</p> <p>3 instructing him not to answer or not?</p> <p>4 MR. JUBB: Go ahead and answer. Do you</p> <p>5 even know what she asked?</p> <p>6 THE WITNESS: I think so.</p> <p>7 MR. JUBB: Go ahead.</p> <p>8 THE WITNESS: I have not been to</p> <p>9 Wilmington since October of 2018. I have not</p> <p>10 been to a wedding or a reunion where he would</p> <p>11 be since. I have not reached out since he</p> <p>12 told me he couldn't talk to me.</p> <p>13 BY MS. DOUGHERTY:</p> <p>14 Q. About legal issues relating to the school,</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. D-4. The third paragraph. It says,</p> <p>18 "Kurtis Nicholas Poulos, D/O/B 10/10/1978. Met Mr.</p> <p>19 Ralston during Mr. Poulos's Freshman year at The Hill</p> <p>20 School in approximately 1993, or approximately 1994,</p> <p>21 when Mr. Poulos was approximately 14 or approximately</p> <p>22 15 years old." Is that a true statement?</p> <p>23 A. Yes.</p> <p>24 Q. Mr. Ralston -- I'm sorry, go ahead.</p> <p>25 A. I -- I assume I met him -- I mean, it's very</p>	<p style="text-align: right;">Page 296</p> <p>1 about you. So, "Mr. Ralston lived in a dormitory of</p> <p>2 The Hill School with Mr. Ralston's family." Is that a</p> <p>3 true statement?</p> <p>4 A. Yes.</p> <p>5 Q. Was there any inappropriate conduct -- let me</p> <p>6 start again. Was there any inappropriate contact</p> <p>7 between you and Mr. Poulos during Mr. Poulos's Freshman</p> <p>8 year at The Hill School?</p> <p>9 A. No.</p> <p>10 Q. You called -- I'm sorry, The Hill School</p> <p>11 calls Freshman year something else, right?</p> <p>12 A. Yes.</p> <p>13 Q. Third form, is that right?</p> <p>14 A. Third form, yes.</p> <p>15 Q. And the next sentence is, "Mr. Ralston was</p> <p>16 Mr. Poulos's geometry teacher during Mr. Poulos's</p> <p>17 sophomore year at The Hill School in approximately 1994</p> <p>18 and approximately 1995 when Mr. Poulos was</p> <p>19 approximately 15 and approximately 16 years old." Is</p> <p>20 that true?</p> <p>21 A. Yes.</p> <p>22 Q. And The Hill School calls Sophomore year?</p> <p>23 A. Fourth form.</p> <p>24 Q. Fourth form. The next sentence is, "Mr.</p> <p>25 Poulos recalls", but I'm going to ask about the part</p>
<p style="text-align: right;">Page 295</p> <p>1 possible I met him his Freshman year. So I can't</p> <p>2 imagine I didn't.</p> <p>3 Q. So you don't have a reason to doubt that you</p> <p>4 met Mr. Poulos Freshman year, but you're certain you</p> <p>5 didn't teach him in class, right?</p> <p>6 A. No. Correct.</p> <p>7 Q. "Mr. Ralston served as a table master in the</p> <p>8 dining hall and Mr. Poulos had a rotation at Mr.</p> <p>9 Ralston's table during Mr. Poulos's Freshman year." Is</p> <p>10 that a true statement?</p> <p>11 A. I don't know. It's quite possible.</p> <p>12 Q. Okay. So you just don't remember?</p> <p>13 A. No. We changed tables every six months</p> <p>14 weeks. So I don't remember who all sat at my table.</p> <p>15 Q. Mr. Poulos recalls that Mr. Ralston was a</p> <p>16 mathematics teacher and cross country coach at The Hill</p> <p>17 School. Is that a true statement?</p> <p>18 A. That's a true statement. Well, those are</p> <p>19 things I did. I don't know that he recalls them.</p> <p>20 Q. Okay. So the part, Mr. Ralston was a</p> <p>21 mathematics teacher and a cross country coach at The</p> <p>22 Hill School, that's true?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And the next one says, "Mr. Poulos</p> <p>25 recalls", but I'm just going to ask you about the part</p>	<p style="text-align: right;">Page 297</p> <p>1 that relates to you. "Classes were held on a rotating</p> <p>2 schedule at The Hill School so that classes met at</p> <p>3 different times of the day." Is that true?</p> <p>4 A. Yes.</p> <p>5 Q. That was true in 1994 and 1995 when --</p> <p>6 A. Yes.</p> <p>7 Q. -- Mr. Poulos was in your geometry class?</p> <p>8 A. Yes.</p> <p>9 Q. "On certain days when Mr. Poulos had geometry</p> <p>10 as the last class of the day, Mr. Ralston made Mr.</p> <p>11 Poulos stay behind in Mr. Ralston's classroom." Is</p> <p>12 that true?</p> <p>13 A. No.</p> <p>14 Q. It's all untrue?</p> <p>15 A. That I made someone stay after class?</p> <p>16 Q. Yes.</p> <p>17 A. Yes.</p> <p>18 Q. So you're certain that you never made Mr.</p> <p>19 Poulos stay after class?</p> <p>20 A. Absolutely.</p> <p>21 Q. Do you remember whether geometry was ever the</p> <p>22 last day -- I'm sorry, the last class of the day?</p> <p>23 A. I don't. It's quite possible.</p> <p>24 Q. Do you have any idea why Mr. Poulos would say</p> <p>25 you made him stay behind after class?</p>

<p style="text-align: right;">Page 298</p> <p>1 A. I don't.</p> <p>2 Q. Mr. Ralston -- do you have any recollection</p> <p>3 of interacting with Mr. Poulos when he was in your</p> <p>4 geometry class?</p> <p>5 A. Vaguely, but no.</p> <p>6 Q. What was your -- okay. So you have a vague</p> <p>7 recollection of interacting with Mr. Poulos?</p> <p>8 A. Yes.</p> <p>9 Q. Was -- was your interaction -- let me start</p> <p>10 again. How were your interactions with Mr. Poulos?</p> <p>11 Were they cordial? Were they combative? Do you have</p> <p>12 any sense?</p> <p>13 A. They would -- they would have been cordial.</p> <p>14 Q. So you don't remember any animosity or</p> <p>15 adversity, or any --</p> <p>16 A. No.</p> <p>17 Q. -- anything like that, as it relates to Mr.</p> <p>18 Poulos when he was in your geometry class, is that</p> <p>19 right?</p> <p>20 A. None whatsoever.</p> <p>21 Q. Were you ever alone with Mr. Poulos?</p> <p>22 A. Probably.</p> <p>23 Q. Why do you say probably?</p> <p>24 A. Because I would often be in my classroom with</p> <p>25 a student either before or after class for a brief</p>	<p style="text-align: right;">Page 300</p> <p>1 Q. So you don't know one way or the other</p> <p>2 whether Mr. Poulos stayed after class when geometry</p> <p>3 class was the last class of the day?</p> <p>4 A. I don't.</p> <p>5 Q. You're just certain it wasn't because you</p> <p>6 made him stay?</p> <p>7 A. That's true. Yes.</p> <p>8 Q. Why are you -- so you never made a student</p> <p>9 stay behind?</p> <p>10 A. I don't think so. If there was something</p> <p>11 school related, student came back from being sick or</p> <p>12 something, I would ask if they are doing okay and they</p> <p>13 may choose to stay then. Most times that I would see</p> <p>14 students about anything that was lengthy, it would be</p> <p>15 during evening study hall. I did not have my own</p> <p>16 classroom, so meeting during the daytime during free</p> <p>17 period, quote, free period, for a student, didn't</p> <p>18 happen in a classroom of which I was teaching, because</p> <p>19 I did not have my own classroom. Ever.</p> <p>20 Q. So you do believe that you were alone with</p> <p>21 Mr. Poulos in the geometry classroom?</p> <p>22 MR. JUBB: Objection to the form. Are</p> <p>23 you listening?</p> <p>24 THE WITNESS: I don't -- it's quite</p> <p>25 possible. I'm not saying I did or didn't. I</p>
<p style="text-align: right;">Page 299</p> <p>1 time. Students had about ten minutes to get from one</p> <p>2 class to another. They may ask if I was available for</p> <p>3 extra help. They may apologize for not getting their</p> <p>4 homework done. But not at any request during an</p> <p>5 academic day, because they were rushed to get to their</p> <p>6 next class on campus, and I had classes coming in. And</p> <p>7 so it would have been a momentary time anyway. That a</p> <p>8 class would be coming in.</p> <p>9 Q. Okay. So is -- just -- please correct me if</p> <p>10 I miss -- because I'm not trying to mischaracterize</p> <p>11 your testimony. I just want to see if I understand.</p> <p>12 So are you saying that Mr. Poulos may have stayed after</p> <p>13 geometry -- after class when geometry was the last day</p> <p>14 of the class, but not because you made him stay, is</p> <p>15 that right?</p> <p>16 A. That would be true. And that would have been</p> <p>17 a very brief meeting, because I coach. Classes would</p> <p>18 end about 3:10. At 3:10. Practice would begin at</p> <p>19 3:20. I would have to walk home, get my clothes</p> <p>20 changed and be at practice. And I was -- I coached</p> <p>21 three seasons of the year, which is all three terms of</p> <p>22 the school year. So there's no way that happened.</p> <p>23 Q. So did Mr. Poulos ever stay after class when</p> <p>24 geometry was the last day -- last class of the day?</p> <p>25 A. I don't have any idea.</p>	<p style="text-align: right;">Page 301</p> <p>1 don't remember.</p> <p>2 BY MS. DOUGHERTY:</p> <p>3 Q. I thought when I asked you if you were ever</p> <p>4 alone with Mr. Poulos you said it's possible?</p> <p>5 A. I did.</p> <p>6 Q. Okay. You just don't remember one way or the</p> <p>7 other?</p> <p>8 A. It's -- it's -- it would make perfect sense</p> <p>9 that I was. I was his teacher. And if he had a</p> <p>10 question after class, could I come get extra help,</p> <p>11 would be an example. My answer would be yes or no.</p> <p>12 And if it was no it would be because I had something</p> <p>13 already scheduled. If I said yes, it would be what</p> <p>14 times I'm available.</p> <p>15 Q. Mr. -- next sentence, "Mr. Ralston and Mr.</p> <p>16 Poulos were alone in a classroom after school on these</p> <p>17 occasions." So you don't know, one way or the other,</p> <p>18 whether that's a true statement, except you're certain</p> <p>19 that you -- that if Mr. Poulos was alone with you in</p> <p>20 the classroom, it wasn't because you made him stay?</p> <p>21 A. I'm certain of that and I'm certain these</p> <p>22 occasions is false.</p> <p>23 Q. Okay. Well, I haven't asked you about the</p> <p>24 allegations of the conduct. I'm just talking about --</p> <p>25 A. It's what -- that's what the sentence refers</p>

<p style="text-align: right;">Page 302</p> <p>1 to.</p> <p>2 Q. This says Mr. Ralston -- it says that "On</p> <p>3 certain days when Mr. Poulos had geometry as the last</p> <p>4 class of the day, Mr. Ralston made Mr. Poulos stay</p> <p>5 behind in Mr. Ralston's classroom."</p> <p>6 A. Gotcha.</p> <p>7 Q. And you told me that it's possible that he</p> <p>8 stayed after class, but not because you made him.</p> <p>9 Because he needed --</p> <p>10 A. Correct.</p> <p>11 Q. -- assistance, right? And that if that</p> <p>12 occurred, then you and Mr. Poulos would be alone in the</p> <p>13 classroom after school on those occasions, except it</p> <p>14 wouldn't be because you made Mr. Poulos stay, is that</p> <p>15 right?</p> <p>16 A. The very last part of that?</p> <p>17 Q. If you and Mr. Poulos were alone in the</p> <p>18 geometry classroom, it wouldn't be because you made Mr.</p> <p>19 Poulos stay?</p> <p>20 A. No. I may ask a student a question as</p> <p>21 they're leaving, but I would never make them say,</p> <p>22 because I don't know their next -- I did not know their</p> <p>23 next obligation and I did know mine.</p> <p>24 Q. So you never shut the door when Mr. Poulos</p> <p>25 was trying to leave so he couldn't leave?</p>	<p style="text-align: right;">Page 304</p> <p>1 Q. So you didn't fondle Mr. Poulos's penis and</p> <p>2 testicles skin on skin, or outside of the clothes in no</p> <p>3 way, shape or form, that's your position?</p> <p>4 A. Ever.</p> <p>5 Q. Did you make Mr. Poulos fondle your penis and</p> <p>6 testicles?</p> <p>7 A. No.</p> <p>8 Q. So never, whether skin on skin, outside of</p> <p>9 clothes, no way?</p> <p>10 A. No way.</p> <p>11 Q. Did you ever have contact with Mr. Poulos's</p> <p>12 penis or testicles in a way that wasn't forced?</p> <p>13 A. No.</p> <p>14 Q. Did you ever put your mouth on Mr. Poulos's</p> <p>15 penis?</p> <p>16 A. No.</p> <p>17 Q. Did you ever make Mr. Poulos put his mouth on</p> <p>18 your penis?</p> <p>19 A. No.</p> <p>20 Q. Do you have any idea why Mr. Poulos would</p> <p>21 describe such graphic interactions with you?</p> <p>22 A. No.</p> <p>23 Q. None whatsoever?</p> <p>24 A. I think I, earlier today, said I tried to</p> <p>25 figure out, I wondered why, and I quit, because I knew</p>
<p style="text-align: right;">Page 303</p> <p>1 A. Never.</p> <p>2 Q. Never pulled Mr. Poulos back into the</p> <p>3 classroom when he tried to leave?</p> <p>4 A. No.</p> <p>5 Q. Was the geometry classroom located at the end</p> <p>6 of a hallway?</p> <p>7 A. Yes.</p> <p>8 Q. During the course of Mr. Poulos's -- what?</p> <p>9 Is that --</p> <p>10 A. A geometry classroom that I taught in was</p> <p>11 located at the end of the hallway. I've got no reason</p> <p>12 to believe that wasn't where I taught him.</p> <p>13 Q. "During the course of Mr. Poulos's Sophomore</p> <p>14 year, Mr. Ralston sexually abused Mr. Poulos in Mr.</p> <p>15 Ralston's geometry classroom between approximately 10</p> <p>16 and approximately 15 times." Is that a true statement?</p> <p>17 A. False.</p> <p>18 Q. "The sexual abuse consisted of, among other</p> <p>19 things." Did you fondle Mr. Poulos's penis --</p> <p>20 A. No.</p> <p>21 Q. -- and testicles?</p> <p>22 A. No.</p> <p>23 Q. So on no -- at no time did you fondle Mr.</p> <p>24 Poulos's penis and testicles?</p> <p>25 A. At no time.</p>	<p style="text-align: right;">Page 305</p> <p>1 I'd never figure it out.</p> <p>2 Q. You weren't curious to learn more by</p> <p>3 revealing Mr. Poulos's testimony in this case?</p> <p>4 A. No. I don't figure -- I didn't -- my</p> <p>5 curiosity ended when I realized I would never know. I</p> <p>6 wondered why this was happening to me. I didn't try to</p> <p>7 figure out what anyone was thinking.</p> <p>8 Q. Do you believe that Mr. Poulos was abused,</p> <p>9 just not by you?</p> <p>10 A. I have no basis to make that. I know he</p> <p>11 wasn't abused by me. And I had --</p> <p>12 Q. And -- I'm sorry. Go ahead.</p> <p>13 A. So to answer your question, no, I have no</p> <p>14 reason.</p> <p>15 Q. Do you think Mr. Poulos has identified the</p> <p>16 wrong man?</p> <p>17 A. If he was abused, then yes. But I have no</p> <p>18 reason to believe that he was abused. I -- actually, I</p> <p>19 don't believe he identified the wrong man. If he was</p> <p>20 abused I know he identified the wrong man.</p> <p>21 Q. I understand you deny the abuse. I guess --</p> <p>22 let me start again. Did you ever consider that Mr.</p> <p>23 Poulos was in fact abused, just not by you, and was</p> <p>24 identifying you erroneously?</p> <p>25 A. Did I -- yes. I did consider that.</p>

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<p style="text-align: right;">Page 306</p> <p>1 Q. And did you do anything to investigate</p> <p>2 whether Mr. Poulos was abused as he described, but has</p> <p>3 just misidentified you as a the abuser?</p> <p>4 A. No.</p> <p>5 Q. Do you know if The Hill School ever</p> <p>6 investigated whether Mr. Poulos's accusations of sexual</p> <p>7 abuse were true, just that he misidentified you?</p> <p>8 A. No.</p> <p>9 Q. So the next paragraph, "The sexual abuse by</p> <p>10 Mr. Ralston ended with Mr. Poulos's Sophomore year at</p> <p>11 The Hill School."</p> <p>12 A. Where?</p> <p>13 Q. We're after the Mr. Ralston's penis</p> <p>14 paragraph. The next one.</p> <p>15 A. Okay.</p> <p>16 Q. "The sexual abuse by Mr. Ralston ended with</p> <p>17 Mr. Poulos's Sophomore year at The Hill School." So</p> <p>18 you deny that, right?</p> <p>19 A. Yes.</p> <p>20 Q. "Mr. Poulos transferred to Marquette</p> <p>21 University High School, Milwaukee, Wisconsin for his</p> <p>22 Junior year of high school." Do you have any</p> <p>23 information about that, whether it's true or false?</p> <p>24 A. I believe it's true.</p> <p>25 Q. "And Mr. Poulos returned to The Hill School</p>	<p style="text-align: right;">Page 308</p> <p>1 A. Yes.</p> <p>2 Q. So you didn't have any contact with Mr.</p> <p>3 Poulos's after he graduated --</p> <p>4 A. I did not.</p> <p>5 Q. -- in 1997, is that right?</p> <p>6 A. That's right.</p> <p>7 Q. So the first time you heard the name Poulos</p> <p>8 after Mr. Poulos graduated from The Hill School was</p> <p>9 when you learned about the April 11th, 2018 letter from</p> <p>10 Mr. Lehman on April 21st, 2018, is that right?</p> <p>11 A. I think so. I can't say specifically. Or</p> <p>12 for certain. His cousin attended the school and</p> <p>13 graduated a year ahead of him, and came back to</p> <p>14 reunions. And it's possible I would have asked how</p> <p>15 Kurtis was doing, Mr. Poulos was doing, then. But I</p> <p>16 don't remember doing that.</p> <p>17 Q. Do you remember having -- okay. So you may</p> <p>18 have asked -- is it -- the cousin's name is Zerner?</p> <p>19 A. Yes. Jason.</p> <p>20 Q. Did you -- so you may have asked Jason -- let</p> <p>21 me start again. You recall seeing Jason Zerner at a</p> <p>22 reunion?</p> <p>23 A. Yes.</p> <p>24 Q. And you may have asked Jason how Kurt was</p> <p>25 doing?</p>
<p style="text-align: right;">Page 307</p> <p>1 his Senior year, approximately 1996 to approximately</p> <p>2 1997."</p> <p>3 A. Yes.</p> <p>4 Q. Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. "Mr. Poulos had limited contact with Mr.</p> <p>7 Ralston during Mr. Poulos's Senior year, although Mr.</p> <p>8 Poulos recalls that he and Mr. Ralston lived in the</p> <p>9 same dormitory during that year." I realize you can't</p> <p>10 speak to what Mr. Poulos recalls, but is it true that</p> <p>11 you had some contact with Mr. Poulos during his Senior</p> <p>12 year and that you lived in the same dormitory?</p> <p>13 A. Yes.</p> <p>14 Q. Mr. -- okay. And is it correct that there</p> <p>15 was no sexual abuse during Mr. Poulos's Senior year at</p> <p>16 The Hill School? At least by you, right?</p> <p>17 A. There wasn't. Yes.</p> <p>18 Q. "Mr. Poulos does not recall having any</p> <p>19 contact with Mr. Ralston after Mr. Poulos graduated</p> <p>20 from The Hill School in approximately 1997, when Mr.</p> <p>21 Poulos was approximately 18 years old", is that</p> <p>22 correct?</p> <p>23 A. Yes. Well, that he recalls it, I can say</p> <p>24 that I didn't have any contact with him.</p> <p>25 Q. Right. Thank you.</p>	<p style="text-align: right;">Page 309</p> <p>1 A. I may have done that, yes.</p> <p>2 Q. You don't have a recollection of seeing Mr.</p> <p>3 Poulos or communicating directly with Mr. Poulos since</p> <p>4 -- or after Mr. Poulos graduated in 1997?</p> <p>5 A. I know I have not. Or I have no</p> <p>6 recollection, to answer your question, of that. I'm</p> <p>7 sure I haven't.</p> <p>8 Q. Do you have a specific recollection of when</p> <p>9 or how you met Mr. Poulos?</p> <p>10 A. No.</p> <p>11 Q. How was Mr. Poulos socially?</p> <p>12 A. I don't recall. Best I can offer is after</p> <p>13 this happened I looked in the yearbook to see if there</p> <p>14 was anything there and I recognized that there were no</p> <p>15 -- no pictures with classmates or anything. Anything I</p> <p>16 offer would be based on that.</p> <p>17 Q. Okay. So you don't have any recollection,</p> <p>18 from 1993 to 1997, of how Mr. Poulos was socially, and</p> <p>19 you looked at a version of the Dial, I guess, to see if</p> <p>20 you could refresh your recollection after this lawsuit</p> <p>21 was underway and still have no recollection of how Mr.</p> <p>22 Poulos was socially?</p> <p>23 A. When he left the school -- no. To answer</p> <p>24 your question. When he left the school after his</p> <p>25 fourth form year, was on his fifth form year, I would</p>

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<p style="text-align: right;">Page 310</p> <p>1 have been part of conversations, not directly with him 2 as far as a conversation goes, but in his return. So 3 all I know is I recall sending him a letter, which I 4 would outline what courses to take and encourage him to 5 reach out if he had any questions. It would have been 6 before he arrived on campus. No indications in any of 7 that process, that I remember, that there was social 8 issues. As I remember his -- it was missing friends at 9 home. Is -- is what I recall.</p> <p>10 Q. How about academically? How was Poulos 11 academically?</p> <p>12 A. I don't recall, except what I read in my 13 academic comment, that I didn't see or -- if you want 14 to track those down.</p> <p>15 Q. I'm listening.</p> <p>16 A. Which is there. So that's what I recall. 17 That is not all classes. That is mine. I don't recall 18 ever having a question of his ability.</p> <p>19 Q. Did you have any run-ins with Mr. Poulos? 20 Let me start again. Were you on like a disciplinary 21 committee, or an honor committee or something, during 22 the time --</p> <p>23 A. I was --</p> <p>24 Q. -- when Mr. Poulos was at The Hill School?</p> <p>25 A. And there were -- there was only one at the</p>	<p style="text-align: right;">Page 312</p> <p>1 recollections of most of the encounters I have with 2 students. Had with students as a teacher. Because if 3 we go back to what I said I viewed teaching as, they 4 were the moments that, I believe -- I was not a teacher 5 who looked the other way. I was a teacher who made 6 clear the lines are here and you can't violate those. 7 Cars on campus was a school rule, not a dorm rule or a 8 classroom rule. And so they were very specific school 9 rules.</p> <p>10 I -- I had no -- I never had a conversation 11 directly. I may tell a kid they will hear from the 12 dean. I may tell a kid to go to the dean's office and 13 I'd let the dean know they're coming. In this case I 14 didn't want him to leave, and so I did block his car 15 in. And I would have reported it to the dean.</p> <p>16 Q. And so blocking in Mr. Poulos's car, is that 17 the appropriate way to discipline him for returning to 18 campus when he shouldn't have?</p> <p>19 A. I decided it was at the time, because I 20 didn't want him to leave.</p> <p>21 Q. Why didn't you want him to leave?</p> <p>22 A. Because he had come back on campus when he 23 didn't have permission to. Again, I -- my recollection 24 is that it was morning when I found it. Early morning. 25 And -- which my interpretation was he came back late at</p>
<p style="text-align: right;">Page 311</p> <p>1 time. I was on the disciplinary committee.</p> <p>2 Q. Okay. And did you have occasion to 3 discipline Mr. Poulos?</p> <p>4 A. Not that I recall through the discipline 5 committee.</p> <p>6 Q. How about not through the discipline 7 committee?</p> <p>8 A. Yes.</p> <p>9 Q. And what occasion did you have to discipline 10 Mr. Poulos outside of the discipline committee?</p> <p>11 A. His sixth form year, he had a car on campus. 12 And when students would leave campus in their car for a 13 weekend, the expectations, rules, were that they would 14 not return to campus. They were not allowed to have 15 their cars what we call on campus. Dormitories are 16 considered on campus. And the confrontation, or 17 incident, would have been one where I was walking up to 18 the academic building on campus class where the -- if I 19 remember right, because I was going to photocopy 20 something. I may have that wrong. But his car was in 21 a loading dock by our dormitory, so I blocked it in.</p> <p>22 Q. So you have a specific recollection of this 23 sitting here today, or is this something that you 24 learned from reviewing testimony by Mr. Poulos?</p> <p>25 A. I have a recollection of it. I have</p>	<p style="text-align: right;">Page 313</p> <p>1 night and stayed in the dormitory.</p> <p>2 Q. How did you know that Mr. Poulos didn't have 3 permission?</p> <p>4 A. Because we didn't give students permission to 5 have cars on campus.</p> <p>6 Q. So if Mr. Poulos said he had special 7 permission -- well, let me start again. Was there like 8 some event or something at the school that weekend?</p> <p>9 A. I don't recall.</p> <p>10 Q. So if Mr. Poulos said that he received 11 permission, in connection with the parents weekend, or 12 family weekend, I forget what The Hill School refers to 13 it, to have his car there, does -- so he's making that 14 up? The school never gave people permission?</p> <p>15 A. I don't know. I don't think we gave 16 permission. Cars were a -- a bit of a concern on 17 campus. If it was parents weekend --</p> <p>18 Q. Is that what it's called, parents weekend?</p> <p>19 A. That's what -- yes. If it was that, it would 20 have been easy to resolve that quickly. And he could 21 have gone about his way.</p> <p>22 Q. So you didn't do anything to confirm whether 23 Mr. Poulos in fact had permission? You just blocked 24 him in?</p> <p>25 A. I did. And as -- like I said, I reported it</p>

<p style="text-align: right;">Page 314</p> <p>1 to the dean.</p> <p>2 Q. When did you report it to the dean?</p> <p>3 A. It would have been then. The dean at that</p> <p>4 time was Chris Chirieleison.</p> <p>5 Q. Was this a weekend?</p> <p>6 A. I think so.</p> <p>7 Q. So the dean was available for you to report</p> <p>8 to immediately on a weekend?</p> <p>9 A. On parents weekend everybody's available</p> <p>10 immediately. It's -- it is -- at the time it was one</p> <p>11 of two -- sorry, three all hands on deck weekends. If</p> <p>12 you count opening and closing, five. There was parents</p> <p>13 weekend, where everyone was required to be there. It</p> <p>14 was the rivalry weekend in November. And there was</p> <p>15 reunion weekend, where, at that point, everybody was</p> <p>16 required to be there. Opening and closing of school</p> <p>17 probably without saying.</p> <p>18 Q. Did the school have -- let me start again.</p> <p>19 Was there some type of faculty handbook that described</p> <p>20 the manner in which to discipline a student for car on</p> <p>21 campus infraction?</p> <p>22 A. For faculty? No, that would --</p> <p>23 Q. No, I'm trying to learn where you got the</p> <p>24 idea that you should just block his car in. And how</p> <p>25 that -- and whether that's something that the school</p>	<p style="text-align: right;">Page 316</p> <p>1 Q. But how do you know that, when you just saw</p> <p>2 the car in the loading dock? That's what I'm trying to</p> <p>3 get my head around.</p> <p>4 A. But if he had checked back in he wouldn't</p> <p>5 have been allowed to park there. He would have been</p> <p>6 expected to park where students park their car.</p> <p>7 Q. How did you know it was Mr. Poulos's car?</p> <p>8 A. I actually don't know that I can tell you I</p> <p>9 knew that. I don't recall that. It was a student car.</p> <p>10 I think I knew it was his.</p> <p>11 Q. You know that now, right?</p> <p>12 A. Yes.</p> <p>13 Q. So when did you learn it?</p> <p>14 A. Well, I would have, at the very latest,</p> <p>15 learned it when I looked at his yearbook page.</p> <p>16 Q. Recently?</p> <p>17 A. After the letter arrived. When I told you I</p> <p>18 was trying to refamiliarize myself with interaction or</p> <p>19 capacities which I would have known.</p> <p>20 Q. So there's a picture of Mr. Poulos's car in</p> <p>21 the yearbook --</p> <p>22 A. There is. Yeah.</p> <p>23 Q. -- that you looked at? Okay. When you</p> <p>24 looked at the picture of Mr. Poulos's car in the</p> <p>25 yearbook, you remembered, oh, it was that guy that I</p>
<p style="text-align: right;">Page 315</p> <p>1 considered appropriate procedure.</p> <p>2 A. I have no reason to think it wasn't. I don't</p> <p>3 recall any conversation after the fact. My -- my way</p> <p>4 of responding was, again, I didn't want him to leave.</p> <p>5 So I made it so he couldn't leave. I knew -- if it was</p> <p>6 parents weekend I knew that if he was supposed to</p> <p>7 leave, that would be -- he'd be able to.</p> <p>8 Q. Why didn't you want him to leave?</p> <p>9 A. Because he was -- again, my interpretation,</p> <p>10 and perception was that he'd come back at night and it</p> <p>11 stayed in the dormitory. And --</p> <p>12 Q. Why -- I don't understand.</p> <p>13 A. He wasn't allowed to do that. Student leaves</p> <p>14 off the campus, with their own car or not, they're not</p> <p>15 allowed to come back to campus until they're checking</p> <p>16 back in. The boarding school, we keep track of every</p> <p>17 student as best as we can for as often as we can. And</p> <p>18 so if a student checks out -- checks out to be off</p> <p>19 campus and turns out they're not, then we don't know</p> <p>20 where they are. And it goes back to the we're in loco</p> <p>21 parentis.</p> <p>22 Q. Okay. So your issue was that Mr. Poulos,</p> <p>23 like, checked back in and he wasn't allowed to check</p> <p>24 back in?</p> <p>25 A. He did not check back in. That's my point.</p>	<p style="text-align: right;">Page 317</p> <p>1 blocked in on parents weekend?</p> <p>2 A. No. I didn't say that. And I don't think I</p> <p>3 even implied that. I probably knew it was his car.</p> <p>4 Q. But at the time?</p> <p>5 A. At the time.</p> <p>6 Q. In 2000 -- oh, I'm sorry, 1997.</p> <p>7 A. Yeah. See, we were --</p> <p>8 Q. But maybe not when you blocked it in?</p> <p>9 A. My guess is I did. I don't recall saying,</p> <p>10 oh, that's Kurtis's car. But I would have -- I would</p> <p>11 think I did. Kids that had cars on campus were not</p> <p>12 numerous. Kids who lived in my dorm, I think there was</p> <p>13 only one from Wisconsin.</p> <p>14 Q. Okay. So the car had a Wisconsin plate, is</p> <p>15 your recollection?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So you were able to identify the car</p> <p>18 as Mr. Poulos's because of the Wisconsin plate?</p> <p>19 A. At the very least, yes.</p> <p>20 Q. Was it a distinctive car?</p> <p>21 A. Camaro. Distinctive to some, I guess.</p> <p>22 Q. Were there a lot of students with Camaros?</p> <p>23 A. I don't have any idea.</p> <p>24 Q. So did Mr. Poulos then -- let me start again.</p> <p>25 So did you hear anything further from Mr. Poulos about</p>

<p style="text-align: right;">Page 318</p> <p>1 the car?</p> <p>2 A. I don't recall. I don't think so. But I</p> <p>3 don't know.</p> <p>4 Q. So Mr. Poulos didn't go to your residence on</p> <p>5 campus and interact with Mary Beth regarding the fact</p> <p>6 that his car was blocked in?</p> <p>7 A. No. And if he had gone to our apartment she</p> <p>8 would not enter into a -- she'd tell a student that I</p> <p>9 wasn't there, if I wasn't there. She would get me if I</p> <p>10 was there. And she wouldn't ever enter into</p> <p>11 disciplinary conversations with a student.</p> <p>12 Q. What did you do after you blocked the car in?</p> <p>13 Did you go to your residence or did you go to something</p> <p>14 else?</p> <p>15 A. I was on my way up to campus, so I would have</p> <p>16 gone to do something else. I can't tell you that I</p> <p>17 went directly to the dean's office. It makes sense</p> <p>18 that I might've. Again, it was -- if it was parents</p> <p>19 weekend I would have. If it wasn't, I probably would</p> <p>20 have called as soon as I got to a phone.</p> <p>21 Q. So do the students that have cars on campus,</p> <p>22 are they allowed to, like, keep their keys, or do they</p> <p>23 have to check them out?</p> <p>24 A. They have to check them out.</p> <p>25 Q. Okay. So how --</p>	<p style="text-align: right;">Page 320</p> <p>1 Q. And just so I understand, you don't believe</p> <p>2 that Mr. Poulos was abused at all when he was a student</p> <p>3 at The Hill School?</p> <p>4 A. I think I answered that contrary to that,</p> <p>5 when you asked. You said did I ever wonder, and I said</p> <p>6 yes. I could never -- I don't believe anyone who says</p> <p>7 they were abused should be ignored. So I never said</p> <p>8 that I don't think he was abused at The Hill School.</p> <p>9 Or that he wasn't abused. I said if he was abused by</p> <p>10 someone, it wasn't me. And I think you asked me</p> <p>11 something about do you think it's possible that he was</p> <p>12 abused at The Hill School and they've identified, or</p> <p>13 he's identified the wrong person. And I think my</p> <p>14 response was something to the effect that, if he was,</p> <p>15 then he does have the wrong person.</p> <p>16 Q. Okay. So you believe that Mr. Poulos was</p> <p>17 abused, just not by you?</p> <p>18 A. No.</p> <p>19 MR. JUBB: Objection to the form.</p> <p>20 BY MS. DOUGHERTY:</p> <p>21 Q. How do you reconcile your statement that you</p> <p>22 believe it's important for everyone who makes</p> <p>23 allegations of abuse, or claims they're abused, to have</p> <p>24 their allegations investigated, where you didn't do</p> <p>25 that for Mr. Poulos?</p>
<p style="text-align: right;">Page 319</p> <p>1 A. They have to check them in when they get</p> <p>2 there.</p> <p>3 Q. Okay. How would Mr. Poulos have his key if</p> <p>4 he wasn't -- if he didn't have permission?</p> <p>5 A. The question isn't whether he had permission</p> <p>6 to go off campus. The question is whether he had</p> <p>7 permission to come back on campus and keep his car and</p> <p>8 keep his keys. Cars were not parked at dormitories, or</p> <p>9 on the internal part of campus. They were parked at</p> <p>10 the Center for the Arts parking lot, as to where it</p> <p>11 was.</p> <p>12 Q. So when you blocked Mr. Poulos's car in, was</p> <p>13 it your intent to prevent him from spending time with</p> <p>14 his mother?</p> <p>15 A. No. It was my intent to not allow him to</p> <p>16 leave campus without permission. Because he would not</p> <p>17 have had permission to leave campus if he was back on</p> <p>18 campus. Because he didn't have permission to be there.</p> <p>19 Q. Did you know that that was the impact of you</p> <p>20 blocking Mr. Poulos's car in? That he was unable to</p> <p>21 spend time with his mother on parents weekend?</p> <p>22 MR. JUBB: I'll object to the form.</p> <p>23 THE WITNESS: I don't know. And --</p> <p>24 well --</p> <p>25 BY MS. DOUGHERTY:</p>	<p style="text-align: right;">Page 321</p> <p>1 MR. JUBB: I'll object to the form.</p> <p>2 THE WITNESS: May I answer?</p> <p>3 MR. JUBB: Go ahead.</p> <p>4 THE WITNESS: I reconcile it by the fact</p> <p>5 that what I know is that there was no</p> <p>6 cooperation from Mr. Poulos or Mr. Garabedian</p> <p>7 for request to investigate the matter that</p> <p>8 they had brought to the school's attention.</p> <p>9 BY MS. DOUGHERTY:</p> <p>10 Q. Well, that's what Mr. Rees told you, right?</p> <p>11 MR. JUBB: I'll object to the form.</p> <p>12 Finish your answer, please.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MS. DOUGHERTY: I'm sorry. I wasn't trying to -- I</p> <p>15 thought you were done.</p> <p>16 A. That's how I reconcile it. I assume that</p> <p>17 people who make allegations are after the truth. I</p> <p>18 assume that people who are supporting those people want</p> <p>19 the truth. And the truth requires an investigation.</p> <p>20 My understanding was there was no investigation, based</p> <p>21 on any cooperation from Mr. Garabedian or Mr. Poulos.</p> <p>22 And I don't know if the school did any without their</p> <p>23 cooperation.</p> <p>24 Q. And your understanding about the lack of</p> <p>25 corporation is based on what Mr. Rees told you, right?</p>

<p style="text-align: right;">Page 322</p> <p>1 There wasn't like anybody else communicating with you</p> <p>2 about the status of the --</p> <p>3 A. No.</p> <p>4 Q. -- communications With Mr. Garabedian?</p> <p>5 A. No. Because I checked in with Mr. Rees, as I</p> <p>6 think I told you.</p> <p>7 Q. Right. You didn't -- I'm just trying to rule</p> <p>8 out like you didn't also check in with Mr. Lehman or</p> <p>9 somebody else?</p> <p>10 A. No. The only time I would have checked in</p> <p>11 with Mr. Lehman regarding this is when I asked if I</p> <p>12 could still be on campus.</p> <p>13 Q. Were you willing to cooperate in an</p> <p>14 investigation of Mr. Poulos's allegations?</p> <p>15 A. Absolutely.</p> <p>16 Q. What did you do to cooperate with an</p> <p>17 investigation into Mr. Poulos's allegations?</p> <p>18 A. Well, I certainly made myself available. Mr.</p> <p>19 Rees told me that I could likely get a phone call from</p> <p>20 one of the women from Cozen O'Connor. I would have</p> <p>21 done that gladly. Not happily, but gladly. And beyond</p> <p>22 that, I think that's as far as it ever went. So that's</p> <p>23 the extent of my cooperation. But that was all that</p> <p>24 was ever asked of me.</p> <p>25 Q. So you were able to cooperate so you could</p>	<p style="text-align: right;">Page 324</p> <p>1 MR. JUBB: If you can possibly answer</p> <p>2 it, go for it.</p> <p>3 THE WITNESS: I think I've already</p> <p>4 answered that. That I would be happy -- I</p> <p>5 was -- I would gladly have cooperated with</p> <p>6 Cozen O'Connor if they would have called me</p> <p>7 and asked me to come to Town to be part of an</p> <p>8 investigation.</p> <p>9 BY MS. DOUGHERTY:</p> <p>10 Q. Both to clear your name and to get justice</p> <p>11 for Mr. Poulos?</p> <p>12 MR. JUBB: Objection to the form. He's</p> <p>13 never said that he believed that Mr. Poulos</p> <p>14 was in any way sexually abused.</p> <p>15 BY MS. DOUGHERTY:</p> <p>16 Q. I think he's corrected me on that.</p> <p>17 MR. JUBB: No. He's --</p> <p>18 THE WITNESS: I have not. I did not.</p> <p>19 BY MS. DOUGHERTY:</p> <p>20 Q. I just -- I'm not -- I'm asking you whether</p> <p>21 you'd be willing -- whether you were willing to</p> <p>22 participate in the -- I'm sorry. Whether you were</p> <p>23 willing to cooperate with the investigation, both to</p> <p>24 clear your name and to pursue justice for Mr. Poulos,</p> <p>25 to the extent he was sexually abused.</p>
<p style="text-align: right;">Page 323</p> <p>1 clear your name, is that right?</p> <p>2 A. Absolutely.</p> <p>3 Q. Were you willing to cooperate so you could</p> <p>4 learn whether Mr. Poulos was abused by someone other</p> <p>5 than you?</p> <p>6 A. I don't know, because that wasn't ever posed</p> <p>7 to me. I don't know -- if -- if someone asked me to</p> <p>8 speak with them about a student making allegations, I</p> <p>9 can tell you my answer would be yes.</p> <p>10 Q. Mr. Poulos has one hundred percent unshakenly</p> <p>11 contended that you are the abuser. So I'm not</p> <p>12 suggesting that there is evidence that someone has said</p> <p>13 otherwise. I'm just asking you, because you denied it,</p> <p>14 and express it is important for all people making</p> <p>15 accusations of sexual abuse to have it investigated,</p> <p>16 whether you would be willing to cooperate in order to</p> <p>17 make sure that Mr. Poulos's accusations were</p> <p>18 investigated and that the truth was revealed. And, you</p> <p>19 know, a responsible teacher, you claim is someone not</p> <p>20 you, is punished?</p> <p>21 MR. JUBB: Objection to the form.</p> <p>22 You've mischaracterized literally everything in there.</p> <p>23 I don't even know how you can formulate a question like</p> <p>24 that.</p> <p>25 THE WITNESS: May I answer?</p>	<p style="text-align: right;">Page 325</p> <p>1 MR. JUBB: That's a different question.</p> <p>2 THE WITNESS: Yes.</p> <p>3 MS. DOUGHERTY: You know, just so you</p> <p>4 realize, which I know you do, because you</p> <p>5 don't have to make snide comments, that when</p> <p>6 somebody makes a proper form objection, it</p> <p>7 should be the lawyer to decide whether they</p> <p>8 want to reask the question. So you don't</p> <p>9 need to congratulate me because I decided to</p> <p>10 reformulate a question because you assert an</p> <p>11 objection, even if it was a form objection.</p> <p>12 BY MS. DOUGHERTY:</p> <p>13 Q. Do you have any recollection about the</p> <p>14 classroom in which you taught geometry to Mr. Poulos?</p> <p>15 A. Yes. I have a recollection of all of them.</p> <p>16 Q. Can you describe the geometry classroom in</p> <p>17 which you taught -- let me start again. Can you</p> <p>18 describe the classroom in which you taught geometry to</p> <p>19 Mr. Poulos?</p> <p>20 A. Yes. It was -- it was at the end of a hall.</p> <p>21 As you walk down the hall, it was on the left-hand</p> <p>22 side. It was the end room on the hall. It was</p> <p>23 rectangular. When you walk into the classroom,</p> <p>24 teacher's desk would have been to the left. And</p> <p>25 walking in the door, if I call that the width, the room</p>

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<p style="text-align: right;">Page 326</p> <p>1 was longer. So teacher's desk would have been at</p> <p>2 a -- one of the long ends of the classroom. And the</p> <p>3 students sat opposite to the back wall.</p> <p>4 There was a window opposite the teacher's</p> <p>5 desk that opened on to a stairwell, that was used for</p> <p>6 ascending or descending from what the school calls the</p> <p>7 Quad. And there were two windows at the back of the</p> <p>8 room where back -- back wall where the students sat</p> <p>9 that opened on -- that were windows to the Quad. And</p> <p>10 there was a window in the door. And without measuring,</p> <p>11 I would say the distance from -- the door set far</p> <p>12 closer to the wall that would have been behind the</p> <p>13 teacher than it would have been to the wall that opened</p> <p>14 onto the Quad.</p> <p>15 Q. The door to the classroom, did it open in or</p> <p>16 out?</p> <p>17 A. I'm guessing it opened out.</p> <p>18 Q. When you say guessing, do you remember?</p> <p>19 Or --</p> <p>20 A. I don't. At least not right now.</p> <p>21 Q. Was there a portion of the room where -- let</p> <p>22 me start again. Was there a portion of the room that</p> <p>23 was not visible through the window and the door?</p> <p>24 A. Probably. The front left corner on the door</p> <p>25 on the same wall the door was in.</p>	<p style="text-align: right;">Page 328</p> <p>1 THE WITNESS: They would not be</p> <p>2 invisible. I don't know --</p> <p>3 BY MS. DOUGHERTY:</p> <p>4 Q. Any other details of the classroom in which</p> <p>5 you taught geometry to Mr. Poulos that you can describe</p> <p>6 to me?</p> <p>7 A. No. I know where the chalkboard was, but</p> <p>8 otherwise, no.</p> <p>9 Q. Did you make Mr. Poulos take exams at the</p> <p>10 blackboard?</p> <p>11 A. No.</p> <p>12 Q. Did you make Mr. Poulos perform any work at</p> <p>13 the blackboard?</p> <p>14 A. Only if there were other students working</p> <p>15 problems at the board. So I can't say he didn't work a</p> <p>16 problem at the board. I've never had a student take a</p> <p>17 test or a quiz at a chalkboard. And rarely -- and I</p> <p>18 never would put -- have I ever put a student at a board</p> <p>19 alone, unless they volunteered to. So it's geometry</p> <p>20 class, proofs are typically difficult. If there's a</p> <p>21 proof that somebody asked how to do it, I very well</p> <p>22 could have asked does anyone want to put it on the</p> <p>23 board. I would never make anybody put it on the board.</p> <p>24 Q. Were you the -- a table master for Mr.</p> <p>25 Poulos's table in the dining room? Table head?</p>
<p style="text-align: right;">Page 327</p> <p>1 Q. You never spent time in that corner with Mr.</p> <p>2 Poulos, is that right?</p> <p>3 A. Correct.</p> <p>4 Q. Are there any other details about the</p> <p>5 geometry classroom that you taught -- I'm sorry. Are</p> <p>6 there any other details about the classroom in which</p> <p>7 you taught geometry to Mr. Poulos that you recall and</p> <p>8 can describe for me?</p> <p>9 A. I can tell you that that corner that would</p> <p>10 have been invisible from the door was directly opposite</p> <p>11 the window that opened to the stairwell. The outside</p> <p>12 stairwell. And the periods throughout the day that</p> <p>13 that stairwell would have been most heavily used would</p> <p>14 have been between classes. Right after classes and</p> <p>15 before and after dinner.</p> <p>16 Q. So your belief is if there was inappropriate</p> <p>17 contact going on in the corner after class, if geometry</p> <p>18 was the last day of class, that someone on the stairs</p> <p>19 would have seen it? Is that why you're making that</p> <p>20 point?</p> <p>21 A. I know there wasn't inappropriate content.</p> <p>22 I'm suggesting that nobody can be invisibly alone with</p> <p>23 a student in that room. Or in any of the rooms.</p> <p>24 Q. For none of the time?</p> <p>25 MR. JUBB: Objection to the form.</p>	<p style="text-align: right;">Page 329</p> <p>1 A. I don't remember.</p> <p>2 Q. What's the proper terminology of the --</p> <p>3 A. Table master at the time. But probably head</p> <p>4 of table today. Master is kind of washed out.</p> <p>5 Q. Right. Okay. So you just don't remember one</p> <p>6 way or the other?</p> <p>7 A. I don't.</p> <p>8 MS. DOUGHERTY: We're up to 17.</p> <p>9 * * *</p> <p>10 (Whereupon, documents were marked for</p> <p>11 identification as Exhibit-17 through 18.)</p> <p>12 * * *</p> <p>13 BY MS. DOUGHERTY:</p> <p>14 Q. I'm showing you -- let's start with D-17.</p> <p>15 MR. DOUGHERTY: Which is, for the people</p> <p>16 watching on Zoom, my number 11.</p> <p>17 BY MS. DOUGHERTY:</p> <p>18 Q. So I'm showing you a document that I've</p> <p>19 marked D-17. It says Hill 0104 on the bottom right.</p> <p>20 At the top it says Academic Report. And on the top</p> <p>21 left it says Student: Poulos, Kurtis. Do you recognize</p> <p>22 the academic report that I've marked as D-17?</p> <p>23 A. Yes.</p> <p>24 Q. How do you recognize the academic report that</p> <p>25 I've marked as D-17?</p>

<p style="text-align: right;">Page 330</p> <p>1 A. How do I?</p> <p>2 Q. Yes.</p> <p>3 A. I recognize it as, one, the format. Two, the</p> <p>4 information at the top. All is reasonable, as in, I</p> <p>5 was a teacher. Mr. Kreiger was certainly employed</p> <p>6 there at the time, and may have been the advisor. The</p> <p>7 class and then the date fits, because it would have</p> <p>8 been the end of the fall term, which is one of the</p> <p>9 times we did it. When I read the comment, it certainly</p> <p>10 -- it's me.</p> <p>11 Q. Is that your signature above instructor?</p> <p>12 A. It is.</p> <p>13 Q. Okay. And so you graded Mr. Poulos a B plus</p> <p>14 for geometry the first --</p> <p>15 A. Yes. The fall term.</p> <p>16 Q. For the fall term. Okay. So there's three</p> <p>17 terms, right?</p> <p>18 A. Yes.</p> <p>19 Q. In geometry. So the first term Mr. Poulos</p> <p>20 got a B plus, is that right?</p> <p>21 A. Yes.</p> <p>22 Q. And you wrote -- these are your -- did you</p> <p>23 type the comments in? Or did somebody else do it?</p> <p>24 A. No, I had to do it.</p> <p>25 Q. Okay. So you had like a thing you had to put</p>	<p style="text-align: right;">Page 332</p> <p>1 advisor.</p> <p>2 Q. So that's why you say have a joyful holiday</p> <p>3 season, because you were going to be sending the note</p> <p>4 to other people?</p> <p>5 A. The comments are written to a parent.</p> <p>6 Q. Okay.</p> <p>7 A. And so I would have been wishing the family</p> <p>8 there. Students left -- it was before Thanksgiving,</p> <p>9 and came back for two weeks sometime in December. So</p> <p>10 it would have been -- Thanksgiving would have been the</p> <p>11 holiday to which I was referring. And probably because</p> <p>12 the next set of comments didn't go out until later in</p> <p>13 the year, after Christmas or Hanukkah and New Year's, I</p> <p>14 would have been referring to that as well.</p> <p>15 Q. And the comments that you wrote down there in</p> <p>16 D-17, academic report for the first term of geometry,</p> <p>17 they were true and accurate at the time you wrote them</p> <p>18 and applied your signature, correct?</p> <p>19 A. They would have been or I wouldn't have</p> <p>20 written them, yes. And these accompanied grades. So</p> <p>21 the term grade was a weighted average. Yeah, that was</p> <p>22 a weighted average at that point of the -- they were</p> <p>23 list periods, or marking periods. So it would have</p> <p>24 been the average of those two, plus the fall term exam.</p> <p>25 Q. Sound like Mr. Poulos was a pretty good</p>
<p style="text-align: right;">Page 331</p> <p>1 it in a typewriter and type on?</p> <p>2 A. You know, I don't know if we did at this</p> <p>3 point. It could have been -- probably NCR paper and a</p> <p>4 typewriter at that point.</p> <p>5 Q. Yeah, it's 1994, right? I'm having</p> <p>6 flashbacks of when I was in high school. You wrote,</p> <p>7 Kurt is doing a great job in geometry. He works hard.</p> <p>8 Contributing in class and seeking extra help when he</p> <p>9 needs it. Kurt's work is always complete and</p> <p>10 demonstrates a thoughtful understanding of all</p> <p>11 material. He should be encouraged to keep up the good</p> <p>12 work.</p> <p>13 "I enjoy having Kurt in class. His desire to</p> <p>14 learn and do well are exemplary qualities. Kurt is an</p> <p>15 integral member of his class and can be depended on to</p> <p>16 start discussions even on a slow day. Have a joyful</p> <p>17 holiday season." Those are comments that you wrote</p> <p>18 about Mr. Poulos?</p> <p>19 A. Yes.</p> <p>20 Q. Is this -- do these -- where do these</p> <p>21 academic reports go?</p> <p>22 A. They go to -- we turn them into what we call</p> <p>23 the academic office. A copy will then -- an NCR paper</p> <p>24 copy will go into a student's file, a copy would be</p> <p>25 sent to parents, and a copy would be sent to the</p>	<p style="text-align: right;">Page 333</p> <p>1 geometry student?</p> <p>2 A. It does.</p> <p>3 Q. So now can you take a look at D-18?</p> <p>4 MS. DOUGHERTY: Which for people</p> <p>5 watching on Zoom is my number 12.</p> <p>6 BY MS. DOUGHERTY:</p> <p>7 Q. D-18 is a document that says Hill 0089 on the</p> <p>8 bottom right. It says Academic Report on the top in</p> <p>9 the middle. And the right, Student: Poulos, Kurt. Do</p> <p>10 you recognize the academic report that I've marked as</p> <p>11 D-18?</p> <p>12 A. Um-hum.</p> <p>13 Q. Is this the academic report that you prepared</p> <p>14 regarding Mr. Poulos for the second term, or the winter</p> <p>15 term, of the geometry course that you taught to Mr.</p> <p>16 Poulos?</p> <p>17 A. It would be.</p> <p>18 Q. Is that your signature there above</p> <p>19 instructor?</p> <p>20 A. It is.</p> <p>21 Q. Mr. Poulos got an A?</p> <p>22 A. Yep. Difference in the winter term is we</p> <p>23 didn't have -- I don't know what grades he received</p> <p>24 during marking periods and such. Winter term is simply</p> <p>25 the average between the two marking periods. There is</p>

<p style="text-align: right;">Page 334</p> <p>1 no exam. I can't answer why. It's the way it was. So</p> <p>2 my guess would be exams were typically harder for kids</p> <p>3 than day-to-day work. Because they were cumulative.</p> <p>4 And they were also created departmentally. I would not</p> <p>5 have been the course head, so an exam would have been</p> <p>6 problems created by the -- whoever was the head of the</p> <p>7 course.</p> <p>8 Q. So you wrote, "Kurt had a strong performance</p> <p>9 in geometry during the winter term. The quality of his</p> <p>10 work improved markedly over the fall. Kurt is an</p> <p>11 integral part of a dynamic class. He is always</p> <p>12 involved in class discussion and is not content with</p> <p>13 answers which he finds insufficient. Kurt seems to</p> <p>14 expect everyone in the class to work hard.</p> <p>15 "I really enjoyed having Kurt in class and</p> <p>16 getting to know him. He is a sharp, witty young man</p> <p>17 knows when to use his wit and when to be serious. I</p> <p>18 look forward to working with Kurt during the next two</p> <p>19 years."</p> <p>20 A. Okay.</p> <p>21 Q. Those are your comments regarding Kurt's</p> <p>22 performance during the winter term of the geometry</p> <p>23 course which you taught to Mr. Poulos?</p> <p>24 A. Certainly reads like they're mine, yes. And</p> <p>25 that is my signature. So, yes.</p>	<p style="text-align: right;">Page 336</p> <p>1 the final year inquiry, or if that's a term grade.</p> <p>2 Q. Okay.</p> <p>3 A. My -- I'm sure it's probably a final year end</p> <p>4 grade. But I don't know that.</p> <p>5 Q. You said, "Having Kurt in class this year was</p> <p>6 one of the truly bright spots in a good year. Kurt's</p> <p>7 genuine concern for others, combined with his</p> <p>8 tremendous sense of humor, make him a joy to work with</p> <p>9 and an asset to his class and the school. Kurt works</p> <p>10 hard in class and expects everyone else to as well.</p> <p>11 His work is thorough and complete, demonstrated a solid</p> <p>12 understanding. Kurt should be commended for his</p> <p>13 efforts. Kurt brings a lot to the school and I'm glad</p> <p>14 that he is here. Have a great summer." Those are your</p> <p>15 comments about Mr. Kurt -- or Mr. Poulos's</p> <p>16 performance --</p> <p>17 A. Yes.</p> <p>18 Q. -- in the geometry class during the spring</p> <p>19 term? And they were true --</p> <p>20 A. Yes.</p> <p>21 Q. -- at the time when you made them and applied</p> <p>22 your signature?</p> <p>23 A. Yes. And that would have been a year end</p> <p>24 comment, as well as just the term. Although -- yes.</p> <p>25 MS. DOUGHERTY: 20, right?</p>
<p style="text-align: right;">Page 335</p> <p>1 Q. And those comments were true at the time when</p> <p>2 you wrote them and applied your signature, is that</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. You can take a look at D-19.</p> <p>6 MS. DOUGHERTY: Which is a document</p> <p>7 which is number 13, for those watching on</p> <p>8 Zoom.</p> <p>9 BY MS. DOUGHERTY:</p> <p>10 Q. D-19 has Hill 0078 on the bottom right.</p> <p>11 Academic Report on the top center. On the left top,</p> <p>12 Student: Poulos, Kurt. Do you recognize the document</p> <p>13 that I've marked as D-19?</p> <p>14 A. Yes.</p> <p>15 Q. How do you recognize the document that I've</p> <p>16 marked as D-19?</p> <p>17 A. My signature. Again, same class. Same</p> <p>18 academic year. Same advisor. Same student. May I</p> <p>19 read it?</p> <p>20 Q. Sure.</p> <p>21 A. If you want more. Okay. Very much sounds</p> <p>22 like me.</p> <p>23 Q. Okay. So Mr. Poulos got a B plus for the</p> <p>24 spring term, right?</p> <p>25 A. I don't -- what I don't remember is if that's</p>	<p style="text-align: right;">Page 337</p> <p>1 * * *</p> <p>2 (Whereupon, the above-mentioned document</p> <p>3 was marked for identification as D-20.)</p> <p>4 * * *</p> <p>5 BY MS. DOUGHERTY:</p> <p>6 Q. I'm showing you a compilation of documents --</p> <p>7 a compilation of yearbook pages which your lawyer</p> <p>8 produced on your behalf. P.6.1 through P6.29. And</p> <p>9 I've marked it as D-20.</p> <p>10 MS. DOUGHERTY: For the people watching</p> <p>11 on Zoom, it's my document number 36.</p> <p>12 BY MS. DOUGHERTY:</p> <p>13 Q. I just want you to go through the third page</p> <p>14 in D-36. Just to make sure.</p> <p>15 A. Okay.</p> <p>16 Q. Is that you on the top left?</p> <p>17 A. It is.</p> <p>18 Q. In 1992, right?</p> <p>19 A. Yes.</p> <p>20 Q. So in 19 -- between 1992 and 1997 can you be</p> <p>21 described as tall, skinny, gangly, buzzed hair?</p> <p>22 A. Yes, I guess.</p> <p>23 Q. Did you wear glasses?</p> <p>24 A. I had glasses. Distance was better at that</p> <p>25 time. I can't tell you if I wore them very often or</p>


<p style="text-align: right;">Page 338</p> <p>1 not.</p> <p>2 Q. Were you a clean living guy? A runner?</p> <p>3 A. Yes.</p> <p>4 Q. And did you think that students liked you and</p> <p>5 that you were perceived to be a good teacher?</p> <p>6 A. Yes.</p> <p>7 Q. Are you six feet tall?</p> <p>8 A. Not quite.</p> <p>9 Q. Not quite? But close to it?</p> <p>10 A. Yeah.</p> <p>11 Q. Did you ever have an interaction with Mr.</p> <p>12 Poulos in a study cubicle? Or a study room? Let me</p> <p>13 start again. Was there a study room at The Hill School</p> <p>14 when -- during the period of time when Mr. Poulos was a</p> <p>15 student from 1993 and 1997?</p> <p>16 A. Study room?</p> <p>17 Q. Yeah. Something where there were cubicles</p> <p>18 where people went to study?</p> <p>19 A. Yeah. They would have been similar to --</p> <p>20 Q. In the basement.</p> <p>21 A. -- stacks in a library. So, yes.</p> <p>22 Q. Was that in the basement?</p> <p>23 A. There probably were some there. I didn't</p> <p>24 spend much time in the basement or the library. So I</p> <p>25 don't -- I can't say for certain, but quite possibly.</p>	<p style="text-align: right;">Page 340</p> <p>1 known he could come knock on the door during study</p> <p>2 hall.</p> <p>3 Q. Okay. So Mr. Poulos was invited to your</p> <p>4 residence if he needed extra help, is that correct?</p> <p>5 MR. JUBB: I'll object to the form.</p> <p>6 THE WITNESS: All students were.</p> <p>7 BY MS. DOUGHERTY:</p> <p>8 Q. Okay. So it was an open invitation for any</p> <p>9 student to come to your residence if they needed help</p> <p>10 with class?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And so Mr. Poulos would have known he</p> <p>13 could have taken advantage of that, is that right?</p> <p>14 A. Yes.</p> <p>15 Q. Do you have a specific recollection of Mr.</p> <p>16 Poulos ever taking advantage of your open offer?</p> <p>17 A. I don't.</p> <p>18 Q. You told me earlier that you did some</p> <p>19 research regarding Mr. Garabedian. Google and looked</p> <p>20 on his web site. Did you learn any information about</p> <p>21 Mr. Garabedian's representation, other than what you've</p> <p>22 already told me?</p> <p>23 A. No. Most of that would have come from the</p> <p>24 movie. And then when I had seen his name since in, you</p> <p>25 know, another episode with Catholic church.</p>
<p style="text-align: right;">Page 339</p> <p>1 Q. Did you ever go to the basement and have an</p> <p>2 interaction with Mr. Poulos?</p> <p>3 A. Well, I certainly wouldn't have during the</p> <p>4 day. No. No. There is no time I would have.</p> <p>5 Q. I'm not -- did you ever have -- did you talk</p> <p>6 to Mr. Poulos in a study room that had cubicles? I'm</p> <p>7 not suggesting any inappropriate touching.</p> <p>8 A. I have no recollection of such a thing.</p> <p>9 Q. Okay. So you don't have any recollection of</p> <p>10 an interaction with Mr. Poulos, not involving any</p> <p>11 touching, in a room that had cubicles and was used to</p> <p>12 provide students to study?</p> <p>13 A. No.</p> <p>14 Q. Did you ever go to Mr. Poulos's dorm room?</p> <p>15 A. I don't think so. No recollection whatsoever</p> <p>16 of doing that.</p> <p>17 Q. Did you ever invite Mr. Poulos to your</p> <p>18 residence area?</p> <p>19 A. I gave extra help to all my students. At</p> <p>20 that point in our residence. During study hall, which</p> <p>21 was after dinner until, I'm going to guess 9:00</p> <p>22 o'clock. So that was generally an open invitation. If</p> <p>23 I was available. And so quite -- I mean, I don't know</p> <p>24 that I ever said Kurtis, can you come to the -- come to</p> <p>25 our place after dinner. But he certainly would have</p>	<p style="text-align: right;">Page 341</p> <p>1 Q. I'm bringing your attention back to D-16, if</p> <p>2 we could. Just on the first page. The response to the</p> <p>3 first question starts, I guess after the objection, "It</p> <p>4 is without waiver, every student, colleague, parent and</p> <p>5 school relationship that plaintiff has encountered."</p> <p>6 Throughout your answers you reference school</p> <p>7 relationships. I just want to know if you can, like,</p> <p>8 expand on what you mean by school relationships. Did</p> <p>9 you socialize with students? Did you go to parties?</p> <p>10 A. Certainly no parties. No -- no socializing</p> <p>11 beyond supervising dances or -- certainly wasn't</p> <p>12 socializing as a faculty member. Or having what we</p> <p>13 call dorm feeds.</p> <p>14 Q. A what?</p> <p>15 A. Dorm feed. Remember, these are kids away</p> <p>16 from home and each dorm would have a budget for pizza</p> <p>17 or ice cream or something. Those were generally run by</p> <p>18 the faculty member. And as close to social to get as a</p> <p>19 student was enrolled. We had, at that time, a three on</p> <p>20 three basketball league. I played in that for a number</p> <p>21 of years. Generally would have sixth formers. Excuse</p> <p>22 me, seniors, who would know me and ask me to play with</p> <p>23 them on their three on three.</p> <p>24 Q. So when you say at the time, you're talking</p> <p>25 about like 1993 to 1997? Or a different time?</p>

<p style="text-align: right;">Page 342</p> <p>1 A. I can't tell you when it ended. I can tell</p> <p>2 you 1990 --</p> <p>3 Q. When Mr. Poulos was there, is all I'm trying</p> <p>4 to get at.</p> <p>5 A. Oh. Yes.</p> <p>6 Q. Okay. So everything you're describing now</p> <p>7 would be the school relationships that Mr. Poulos could</p> <p>8 have --</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. -- experienced, is that right?</p> <p>11 A. Yes.</p> <p>12 Q. Thank you. I didn't mean to cut you off. I</p> <p>13 just wanted to make sure that I was --</p> <p>14 MR. JUBB: I'll object to the form.</p> <p>15 BY MS. DOUGHERTY:</p> <p>16 Q. So three on three basketball league with some</p> <p>17 sixth formers.</p> <p>18 A. Yeah. There was kind of a formalized created</p> <p>19 social time with sixth formers after dinner, which was</p> <p>20 called sixth form coffee. In which there was coffee</p> <p>21 available for stud -- sixth form students and faculty</p> <p>22 members. That would be the extent of what I would</p> <p>23 consider social. There is a -- every relationship in</p> <p>24 teaching 1980 has been damaged. Is that -- are you</p> <p>25 asking what those -- am I on the right one?</p>	<p style="text-align: right;">Page 344</p> <p>1 the dining hall that serve the food every day, or</p> <p>2 people that take care of the grounds. All of those are</p> <p>3 what I mean when I talk about every relationship. Or</p> <p>4 the school relationships.</p> <p>5 Q. Can you flip to the second page of D-16?</p> <p>6 A. Same document?</p> <p>7 Q. Yeah. It's just next page.</p> <p>8 A. Yep.</p> <p>9 Q. And just sort of towards the bottom there's</p> <p>10 the rest of a lengthy paragraph. And then there's a</p> <p>11 paragraph that says, "The way in which Mary Ellen</p> <p>12 Poulos described plaintiff in her communication with</p> <p>13 Zach Lehman is but one example that is named in these</p> <p>14 relationships are jeopardized and ruined by such false</p> <p>15 accusations." Did you participate in preparing that --</p> <p>16 that portion of the Answer to Interrogatory number one?</p> <p>17 A. I would have.</p> <p>18 Q. So who -- who's Mary Ellen Poulos?</p> <p>19 A. It's Mr. Poulos's mother.</p> <p>20 Q. And so you've seen communications by. Mrs.</p> <p>21 Poulos to Mr. Lehman that cast you in a bad light?</p> <p>22 A. I believe I have seen -- yes, I have. To</p> <p>23 answer, yes.</p> <p>24 Q. And were those -- the writings that are being</p> <p>25 referred to here, Mary Ellen Poulos described you,</p>
<p style="text-align: right;">Page 343</p> <p>1 Q. Yeah. I was just -- you referenced school</p> <p>2 relationships throughout. I was just using one as an</p> <p>3 example. So -- because I wasn't sure how to direct you</p> <p>4 to it.</p> <p>5 A. School relationships with faculty members.</p> <p>6 Q. Un-hum.</p> <p>7 A. Both collegial. And pretty much because of</p> <p>8 the nature of our work, most of the social life of most</p> <p>9 faculty members is pretty much contained on campus. In</p> <p>10 other words, Christmas parties, most faculty -- opening</p> <p>11 faculty parties. Things like that. Since most faculty</p> <p>12 will leave campus for the breaks which are longer, to</p> <p>13 go visit family and many have homes off campus they</p> <p>14 would go to, because those were the opportunities they</p> <p>15 have to do it.</p> <p>16 If you lived in a dorm in those years, you</p> <p>17 were on duty always. If I needed to be off dorm during</p> <p>18 those years, it was a matter I had to walk upstairs and</p> <p>19 check with another, what we called dorm masters at the</p> <p>20 time, now they're called house parents, and see if he</p> <p>21 could check in on my hall. Relationships with alumni</p> <p>22 over time will change in nature where they will become</p> <p>23 more social.</p> <p>24 Staff are there every day, so it's hard not</p> <p>25 to get to know the people, to some extent, that work in</p>	<p style="text-align: right;">Page 345</p> <p>1 right, the plaintiff, in communications to Mr. Lehman,</p> <p>2 was Mr. Garabedian part of those communications?</p> <p>3 A. With Mr. Lehman?</p> <p>4 Q. Yeah. You say the way in which Mary Ellen</p> <p>5 described plaintiff in her communications with Mr.</p> <p>6 Lehman. Was Mr. Garabedian involved in Ms. Poulos's</p> <p>7 communications with Mr. Lehman?</p> <p>8 A. Not from my perspective. I don't know.</p> <p>9 Q. Do you have any reason to believe that Mrs.</p> <p>10 Poulos was communicating with Mr. Lehman because of</p> <p>11 anything to do with Mr. Garabedian?</p> <p>12 A. No.</p> <p>13 Q. If you could go to the next page. The</p> <p>14 response to number two on the very bottom of page</p> <p>15 three. It says, "Additionally, Garabedian's statements</p> <p>16 to Mary Ellen Poulos republishing false and defamatory</p> <p>17 accusations are also at issue." What communications</p> <p>18 are you referring to by Mr. Garabedian to Ms. Poulos?</p> <p>19 A. I don't recall, just reading that. I don't</p> <p>20 recall statements by him to her.</p> <p>21 Q. So the issue -- the -- the writings that you</p> <p>22 take issue with by -- let me start again. The</p> <p>23 statements by Mr. Garabedian that you contend are</p> <p>24 defamatory are the -- are the two letters, right? The</p> <p>25 April 11th, 2018 letter, which was marked as D-15, and</p>

<p style="text-align: right;">Page 346</p> <p>1 the December 26th, 2018 letter, which was marked as</p> <p>2 D-4. I have my copies, or we can pull yours out, is</p> <p>3 that right?</p> <p>4 A. Ask again.</p> <p>5 Q. Sure. The statements that you -- let me</p> <p>6 start again. The statements by Mr. Garabedian that you</p> <p>7 contend are defamatory are the two letters, right?</p> <p>8 The April 11th, 2018 letter, that's been marked D-15,</p> <p>9 and the December 26th, 2018 letter, which has been</p> <p>10 marked D-4, is that right?</p> <p>11 A. Yes.</p> <p>12 Q. Are there other statements by Mr. Garabedian</p> <p>13 that form the basis for your claim that are defamatory,</p> <p>14 other than these two letters?</p> <p>15 A. I don't recall, but I don't think -- I don't</p> <p>16 think I've seen any communications from him. And</p> <p>17 certainly not before this. This is after we filed.</p> <p>18 This is a Complaint, right?</p> <p>19 Q. Those are your responses to our discovery.</p> <p>20 A. Answers to Interrogatories. Okay.</p> <p>21 Q. Um-hum. So, you're right, it is after the</p> <p>22 action.</p> <p>23 A. I don't believe. I don't recall if I did.</p> <p>24 Q. I think we -- we were on the fourth page.</p> <p>25 Let's go to the fifth page.</p>	<p style="text-align: right;">Page 348</p> <p>1 first full paragraph. It starts, "The independent</p> <p>2 school community." What I would like to direct your</p> <p>3 attention to is the last sentence. It says, "Now</p> <p>4 plaintiff cannot be the mentor, advisor, friend or</p> <p>5 colleague that so many knew him to be, because of the</p> <p>6 fallout from defense false and defamatory statements."</p> <p>7 So did you participate in writing that portion of the</p> <p>8 response to Interrogatory number 6?</p> <p>9 A. I would have, yes.</p> <p>10 Q. So why can you not be a mentor, advisor,</p> <p>11 friend or colleague to so many that knew you?</p> <p>12 A. Well, I can't -- I can't represent myself as</p> <p>13 a member of the school. Or school community. I cannot</p> <p>14 attend school sponsored events. So the only people who</p> <p>15 may -- how do I say it, that I can do that with, are</p> <p>16 those who -- with whom I had developed more of a</p> <p>17 friendship relationship and still have my contact</p> <p>18 information. So I am no longer able to do that. And</p> <p>19 then --</p> <p>20 Q. Because you don't work at The Hill School</p> <p>21 anymore and you're precluded from --</p> <p>22 A. Because I was terminated from The Hill</p> <p>23 School.</p> <p>24 Q. And because of the other restrictions that</p> <p>25 The Hill School placed on your ability to hold yourself</p>
<p style="text-align: right;">Page 347</p> <p>1 A. What's the number at the bottom of the page?</p> <p>2 Q. Five.</p> <p>3 A. Okay. All right.</p> <p>4 Q. So it's the response to number 6. In the</p> <p>5 second paragraph where it's bolded, it says, "Plaintiff</p> <p>6 was responsible for alumni in the Midwest. And</p> <p>7 defendant is step grandchild of a prominent Midwest</p> <p>8 family and the cousin of another alumnus. Did you</p> <p>9 participate in writing that portion of the response to</p> <p>10 number 6?</p> <p>11 A. Yes.</p> <p>12 Q. What prominent Midwest family are you</p> <p>13 referring to?</p> <p>14 A. Proxmire. William Proxmire was an alumnus of</p> <p>15 the school. My understanding of the relationship was</p> <p>16 that, or is that Mr. Poulos is a step grandchild to Mr.</p> <p>17 Proxmire. I know Jason Zerner.</p> <p>18 Q. That's the cousin you were talking about</p> <p>19 earlier?</p> <p>20 A. That's the cousin. Um-hum. While he doesn't</p> <p>21 live in Wisconsin any longer, that's where he grew up.</p> <p>22 Q. If you can go to page 6, which is the next</p> <p>23 page. It's still part of the same answer, the same</p> <p>24 question. It's a lengthy one. First full paragraph.</p> <p>25 It's -- you know, the first one is partial, so it's the</p>	<p style="text-align: right;">Page 349</p> <p>1 out as affiliated with The Hill School, is that right?</p> <p>2 A. Yes. I cannot respond to those phone calls</p> <p>3 out of the blue in a way, except where somebody calls</p> <p>4 -- has access to my contact information, which I can't</p> <p>5 share. Until they reach me.</p> <p>6 MS. DOUGHERTY: Can I have number 27?</p> <p>7 MR. JUBB: Is this the last document for</p> <p>8 the day?</p> <p>9 MS. DOUGHERTY: It can be.</p> <p>10 MR. JUBB: Well, it's 6:35. We started</p> <p>11 at 10:00.</p> <p>12 MS. DOUGHERTY: Will Mr. Ralston agree</p> <p>13 to return on another day?</p> <p>14 MR. JUBB: If you can tell me how much</p> <p>15 longer you think we're going to be. Because</p> <p>16 we've already gone over seven hours.</p> <p>17 THE VIDEOGRAPHER: It will be eight.</p> <p>18 MR. JUBB: Eight.</p> <p>19 MS. DOUGHERTY: I think we can probably</p> <p>20 narrow some down significantly with a couple</p> <p>21 stipulations. So if we could do that, then I</p> <p>22 would -- I have like his -- some of his</p> <p>23 history -- his employment history to go</p> <p>24 through, which it's a little lengthy, because</p> <p>25 there's a lot of them. And so -- I'm getting</p>

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350 to 352

<p style="text-align: right;">Page 350</p> <p>1 to the bottom of my notes. But I have</p> <p>2 probably like another three or four hours.</p> <p>3 But I think we can probably stipulate</p> <p>4 some of it out, because a lot of it's</p> <p>5 questions about your exhibits, which I</p> <p>6 would be happy to share with you. Like, I</p> <p>7 want to just rule out that people that</p> <p>8 provided cards like did know about the</p> <p>9 accusations.</p> <p>10 MR. JUBB: That's what I suggest. I</p> <p>11 think we should end and we should try and</p> <p>12 synthesize this so we don't have to impede on</p> <p>13 more time than reasonably necessary. But</p> <p>14 also providing you with a fair opportunity to</p> <p>15 fully examine everything. So I think that</p> <p>16 might be the best thing to do.</p> <p>17 MS. DOUGHERTY: And if you have those</p> <p>18 couple letters that you have, that might</p> <p>19 also --</p> <p>20 MR. JUBB: I do have them. They're part</p> <p>21 of P-24, so.</p> <p>22 MS. DOUGHERTY: Do you know what Bates</p> <p>23 number they are?</p> <p>24 MR. JUBB: Yeah.</p> <p>25 MS. DOUGHERTY: Anyway, we can go off</p>	<p style="text-align: right;">Page 352</p> <p style="text-align: center;">C E R T I F I C A T I O N</p> <p>1</p> <p>2</p> <p>3 I, Lisa M. Cooper, a Court Reporter and</p> <p>4 Notary Public, do hereby certify the foregoing to</p> <p>5 be a true and accurate transcript of my original</p> <p>6 stenographic notes taken at the time and place</p> <p>7 hereinbefore set forth.</p> <p>8 Witness my hand and official seal this</p> <p>9 12th day of July A.D. 2021.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 </p> <p>15</p> <p>16 Lisa M. Cooper</p> <p>17 Court Reporter and Notary Public</p> <p>18</p> <p>19</p> <p>20 (The foregoing certification of this</p> <p>21 transcript does not apply to any reproduction of</p> <p>22 the same by any names, unless under the direct</p> <p>23 control and/or supervision of the certifying</p> <p>24 reporter.)</p> <p>25</p>
<p style="text-align: right;">Page 351</p> <p>1 the video, right? Because we're going on to</p> <p>2 -- he's going to agree to come back, right?</p> <p>3 MR. JUBB: I will agree to -- he will</p> <p>4 reappear for the deposition so long as we can</p> <p>5 sort out a couple of these issues and narrow</p> <p>6 it down.</p> <p>7 MS. DOUGHERTY: Yes.</p> <p>8 THE VIDEOGRAPHER: Going off record,</p> <p>9 6:37.</p> <p>10 THE COURT REPORTER: Counsel, please</p> <p>11 indicate if you will be ordering the</p> <p>12 transcript.</p> <p>13 MS. DOUGHERTY: Yes, please.</p> <p>14 MR. JUBB: Yes, please.</p> <p>15 * * *</p> <p>16 (Witness adjourned.)</p> <p>17 * * *</p> <p>18 (Whereupon, the videotape deposition was</p> <p>19 adjourned at 6:37 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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Experience

1992–2009; 2016-2019 The Hill School Pottstown, PA

Capital Giving Officer

2016-2019

Met with alumni to increase engagement and solicit support for the School.

Dean of Faculty

2006-2009

- Responsibilities included faculty hiring, retention, and overall evaluation.
- Worked with Assistant Headmasters of Academics and Student Life to oversee daily operation of the school.
- Planning and running faculty meetings.
- Responsibility for faculty committee assignments, work load, and duty assignments.

Mathematics Department

1992-2009

- Department Chair (2001-2004).
- Courses taught include Algebra 1 through the Calculus.

Academic Dean

1995-2001

- Member of two-year trustee/faculty strategic planning team resulting in introduction of coeducation.
- Member of faculty/trustee Campus Master Plan committee. Planned campus improvements and construction with campus planners and architects.
- Chaired faculty planning committee for 50,000 sq. ft. academic center.
- Point person between school, students and parents for all academic concerns.

Other Hill Experience

- Head Boys' Cross Country coach (1999-2002), Head Winter Track coach (1994-1998), Junior Varsity Lacrosse coach (1999-2008).
- Adviser to the Sixth Form (senior class) (1994-95), (2002-2009).
- Head of Sixth Form dormitory(1996-2000), Head of Third/Fourth Form dorm cluster (2004-2007).
- Winner of Dorm Parenting Prize (awarded at Commencement 2003).



- Chair of Faculty Work Load Task Force (Dec. 2003 – Sept. 2005).
- Dorm parent for 14 years (boys' and girls' dorms and 9th – 12th grade dorms).
- Director of Financial Aid (1994-1995) Evaluated financial aid applications and recommended aid packages to the Financial Aid Committee. Allocated and tracked distribution of \$1 million in aid.

2009-2016 The Leelanau School Glen Arbor, MI

President and Headmaster

- Responsible for all facets of School operations.
- Guided the School through financial stabilization including: loan forbearance, refinancing debt, fundraising (\$3.1MM), budget reductions, and admissions practices.
- Led School through debt reduction of 54%, from \$3.5MM to \$1.6MM and sustainable annual budget reductions of 19%.
- Reallocated funds, with donor support, which were raised to build a new dormitory to complete entire campus renovations including all buildings and campus infrastructure (water and sewage).
- Instituted admission policy, practice, and staffing changes resulting in annual student retention increase from 75+% to 90+%.
- Created a greater presence in the local community and region including sponsorship in Traverse City Film Festival, Chamber of Commerce memberships in Traverse City, Leelanau County and Glen Arbor. We also established long term agreements with Glen Arbor Twp (public use tennis courts on campus) and Leelanau County (recycling center).
- Board of Directors, Association of Independent Michigan Schools.

Related Experience

ISACS Leadership Academy with Kellogg Center for

Nonprofit Management

2015

NAIS Fellowship for Aspiring Heads

2006 – 2007

Project Title: "Faculty Development Groups."

North Carolina State University

1990-1992

Coordinator, Academic Support Program for Student Athletes.

The Andrews School, Willoughby, OH

1987-1990

Full-time teacher of mathematics for grades nine through twelve, and coach.

National Council on Compensation Insurance 1986-1987

Actuarial Technician.

Lakewood Local Schools, Hebron, OH 1981-1983
Full-time high school mathematics teacher.

The Gow School, South Wales, NY 1980-1981
Full-time boarding school teacher of science, dorm parent, and coach.

Education

1986 The Ohio State University, Columbus, OH
■ Master of Arts in Mathematics.
Graduate Teaching Assistant, Department of Mathematics.

1980 The Ohio State University, Columbus, OH
■ Bachelor of Science in Education.
■ Varsity Lacrosse, Dedicated Senior Award, 1980.

8 - - -
9 Thursday, October 7, 2021
10 - - -
11 Remote Videoconference Zoom oral
12 deposition of LESLIE M. GOMEZ, ESQUIRE, taken pursuant
13 to notice, was held at the location of the witness,
14 Cozen O'Connor, 1650 Market Street, Suite 2800,
15 Philadelphia, Pennsylvania 19103, at 9:00 a.m., on the
16 above date, before Lisa DePascale, a Court Reporter
17 and Notary Public of the Commonwealth of Pennsylvania
18 and Delaware.

24

1 APPEARANCES:

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Representing Defendants

17
18
19 ALSO PRESENT: Kurtis Poulos, Defendant

20
21
22
23
24

Leslie M. Gomez, Esquire

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Leslie M. Gomez, Esquire

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Leslie M. Gomez, Esquire

1 (It is hereby stipulated and agreed by
2 and among counsel for the respective parties
3 that signing, sealing, certification, and
4 filing are waived; and that all objections,
5 except as to the form of the question, are
6 reserved until the time of trial.)

7 - - -

8 LESLIE M. GOMEZ, ESQUIRE, after having
9 been first duly remotely sworn, was examined
10 and testified as follows:

11 - - -

12 E X A M I N A T I O N

13 - - -

14 BY MR. JUBB:

15 Q. Ms. Gomez, good morning. Can you hear me okay?

16 A. I can, good morning.

17 Q. Good morning. My name is Lane Jubb. I
18 represent the Plaintiff in this case. And I'm going
19 to take your deposition. I'm not going to take up too
20 many much of your time, I promise. I appreciate you
21 being here with us.

22 You and I have never met before,
23 correct?

24 A. That's correct.

0098a

1 Q. Do you believe we've ever spoken on the phone?

2 A. I don't believe so.

3 Q. In anticipation of today's deposition -- strike
4 that.

5 Can you tell us what you do for a
6 living, please.

7 A. I am an attorney. I work at Cozen O'Connor.
8 I'm the Vice Chair of the Institutional Response
9 Group.

10 Q. What is institutional response in your own
11 words?

12 A. Sure. I am a child abuse, sex assault
13 prosecutor by training and history. I did that work
14 at the DA's office from 1994 as an intern until 2011,
15 when I left to join a private practice. The private
16 practice that we engage in is solely helping
17 educational institutions prevent and respond to
18 allegations of sexual and gender based harassment and
19 violence or child abuse. So it is a practice that's
20 focused on policy development, investigations,
21 training and regulatory compliance. We do no
22 litigation.

23 Q. Do you consider -- I'm sorry. I was just about
24 to ask that question.

1 Do you consider yourself a litigator at
2 all?

3 A. No. We -- in fact, that's one of the founding
4 principles of our practice is that we do no litigation
5 because we want to be able to stay in the neutral
6 subject matter expert space.

7 Q. At Cozen O'Connor are you the Vice Chair of the
8 Institutional Response Group just at the Philadelphia
9 location or at the nation wide group?

10 A. So the group itself is based in Philadelphia.
11 It was founded be our chair Gina Smith. And there are
12 eight attorneys in our group. We have one attorney
13 who lives out of state but is in our group, but there
14 is no other Institutional Response Group, it's the
15 eight Philadelphia based individuals.

16 Q. Okay. Are you barred in Pennsylvania?

17 A. I am.

18 Q. Do you provide your types of advisory services
19 to other institutions outside of Pennsylvania?

20 A. Yes.

21 Q. Do you -- if you could approximate for us how
22 many different states do you believe that you've
23 provided advice to institutions from Philadelphia?

24 A. 40.

1 Q. Do you assist institutions in designing
2 institutional responses and how they integrate Federal
3 and State laws?

4 A. Yes.

5 Q. Do you advise Presidents, Head of Schools,
6 Board of Trustees, senior leadership on implementing
7 these types of processes that pertain to child welfare
8 or child abuse?

9 A. Yes.

10 Q. Are you also involved in historical reviews of
11 any institution for allegations of sex abuse?

12 A. Yes.

13 Q. With respect to the -- strike that.

14 You mentioned -- I thought I heard your
15 answer that part of your background by trade was a
16 prosecutor. Did I hear you say that correctly?

17 A. That's correct.

18 Q. What did you do -- strike that.

19 When did you first join Cozen O'Connor,
20 what year?

21 A. I joined Cozen O'Connor February of 2017, I
22 believe. It will be five years coming up this
23 February.

24 Q. Prior to joining Cozen O'Connor in February of

1 2017, what was your prior profession?

2 MS. DOUGHERTY: Objection.

3 THE WITNESS: I thought I heard

4 somebody say something.

5 MS. DOUGHERTY: I did. I said

6 objection, just to the form. I don't think she

7 said she's had a profession other than as an

8 attorney, but.

9 MR. JUBB: Okay.

10 BY MR. JUBB:

11 Q. Well, prior to joining Cozen O'Connor in

12 February of 2017 where were you employed?

13 A. I left the DA's office in around September

14 of 2011. I spent about 18 months, maybe 15 months at

15 Ballard Spahr. I then joined in February of '13,

16 Pepper Hamilton. It has always been in the same

17 practice since I left the DA's office. And it's

18 always been with my partner Gina Smith.

19 Q. When you were at the DA's office, were you

20 prosecuting -- strike that.

21 When you were at the DA's office, what

22 type of crimes were you prosecuting?

23 A. I focused on prosecuting child abuse, sexual

24 assault and worked in our family violence sexual

1 assault unit for a number of years. I worked in our
2 appeals unit as well. And then the last five years of
3 my career there I was the Chief and/or Assistant Chief
4 of our juvenile court unit. So looking at all issues
5 that involved the juvenile population in Philadelphia,
6 whether as a victim or as a criminal defendant or a
7 delinquent defendant.

8 Some of my work may have involved other
9 cases in the appellate work or in early stages in
10 Municipal Court, felony waiver type work around other
11 crimes. But my focus primarily has been child sexual
12 abuse, dating violence, domestic violence, sexual
13 assault.

14 Q. And in performing these reviews and
15 evaluations, are you obligated to comply with the
16 Pennsylvania ethical standards?

17 A. Yes.

18 MS. DOUGHERTY: Objection.

19 BY MR. JUBB:

20 Q. And, Ms. Gomez, I'm going to show you a
21 document here -- strike that. I'll lay a little bit
22 more foundation.

23 At some point in time were you ever
24 contacted by an attorney from The Hill School to

1 perform a review of their policies and procedures that
2 were in place?

3 A. I don't think that I would frame it that way.

4 Q. Okay. Can you tell me how you first -- strike
5 that.

6 Do you know what The Hill School is?

7 A. Yes.

8 Q. How do you know what The Hill School is?

9 A. I've grown up and raised my children in
10 Philadelphia. My children played sports against The
11 Hill School. They went to a local independent school.
12 But in, and I don't have the date, I want to say 2016,
13 we were contacted by The Hill School or someone on
14 behalf of The Hill School to ask us to do some work
15 for them.

16 Q. Okay. I'm going to show you a document here.
17 I'm just going to share my screen. Bear with me here.

18 (Mr. Jubb is sharing his screen.)

19 Can you see that, Ms. Gomez, my screen?

20 A. Yes.

21 Q. I'm showing you here something that says a
22 message from the Headmaster. It's a note dated
23 April 23, 2016. And for record purposes, this is
24 P16.242.

1 MS. DOUGHERTY: It was also previously
2 marked as D2, right?

3 MR. JUBB: It might be D1, Candi. But
4 either way, it could also be D2. It's one --
5 either D1 or D2.

6 MS. DOUGHERTY: It's D2.

7 BY MR. JUBB:

8 Q. But this is P16 -- okay. It's also marked as
9 Hill 242.

10 Have you ever seen this message from
11 the Headmaster before, dated April 23, 2016?

12 A. Yes. And that's in connection with what we
13 were engaged for.

14 Q. Do you believe that you had any involvement in
15 drafting this message from the Headmaster?

16 MS. DOUGHERTY: Objection.

17 MR. FOX: Objection.

18 Go ahead.

19 THE WITNESS: Thanks, Doug. Procedural
20 question, I've only been deposed once. So I
21 presume I wait for you to object and then go
22 ahead anyway.

23 MR. FOX: Yes. Go ahead. Unless I
24 tell you not to answer.

Leslie M. Gomez, Esquire

1 THE WITNESS: Thank you.

2 I -- this is a document that would
3 have, based on the date, been part of our files
4 at Pepper Hamilton. I did not review this
5 document again today, but likely I would have
6 been involved in helping to discuss the work
7 that we were going to do for The Hill School
8 and how to present that to the community.

9 BY MR. JUBB:

10 Q. Okay. And then here is a -- I'm going to show
11 you -- and we're going to mark that as Gomez-1 what I
12 just showed you previously.

13 - - -

14 (Exhibit Gomez-1, A Message from the
15 Headmaster, April 23, 2016, Bates stamped Hill
16 P16.242 through P16.243, was marked for
17 identification.)

18 - - -

19 BY MR. JUBB:

20 Q. And now I'm going to show you what I'm going to
21 mark as Gomez-2, which is P16.237 through P16.239.

22 - - -

23 (Exhibit Gomez-2, The Hill School,
24 Letter, November 20, 2017, Bates stamped

1 P16.237 through P16.239, was marked for
2 identification.)

3 - - -

4 BY MR. JUBB:

5 Q. This is dated November 20, 2017.

6 Have you seen this document before?

7 A. Yes, I have.

8 Q. In looking at these documents are you able to
9 approximate for us what month and year it was that you
10 were first beginning to -- strike that.

11 In looking at these documents, are you
12 able to approximate for us what month and year it was
13 that you were first contacted by someone from The Hill
14 School?

15 MS. DOUGHERTY: Objection.

16 THE WITNESS: As I framed a moment ago,
17 I'm fairly confident from my recollection that
18 it was the Spring of 2016.

19 You'll laugh at the contemporaneous
20 reason that I recall that, but partially it's
21 because I was coming from a lacrosse game and
22 lacrosse season is in the spring. And I recall
23 being in a car and speaking with whoever we
24 spoke with. I don't recall exactly who it was,

1 about potentially being engaged to conduct a
2 proactive review of historical allegations of
3 abuse.

4 BY MR. JUBB:

5 Q. Okay. And in this November 20, 2017 letter, it
6 says, "Dear Hill School Alumni," have you ever seen
7 this before?

8 A. Yes.

9 Q. In here, it des- -- in this paragraph, and if
10 you can't read it, I can Zoom in for you.

11 A. I got it.

12 Q. Great. In this middle paragraph, it says, "You
13 may contact me directly." You may also -- strike
14 that.

15 "You may also directly contact our
16 child protection experts, Leslie Gomez and Gina Smith
17 or provide information unanimously online." And I'm
18 not going to read the e-mail addresses or the web
19 links.

20 But do you consider yourself a child
21 protection expert?

22 A. Yes.

23 Q. And by the time that this letter was sent,
24 November 20, 2017, had you already begun to conduct

1 your review of historical allegations of sex abuse at
2 The Hill School?

3 A. Yes. So as the letter says, in the second
4 paragraph. We concluded that review in the summer of
5 2017, based on the information that was available to
6 us at that time.

7 Q. And so would your first contact be -- I'm sorry
8 to interrupt you.

9 A. So we also understood that in any review of
10 this nature, that there is always the potential that
11 there are other individuals who may come forward that
12 were not part of the initial review. It's a very
13 standard thing that we see following a review or
14 attention is brought to the issue publicly.

15 Q. And so was it part of -- strike that.

16 Am I correct then that approximately
17 the spring of 2016 through the summer of 2017 you
18 were -- had started and completed the historical
19 review at that point --

20 A. That's correct.

21 Q. -- or were you not considering it completed --
22 okay. And let me rephrase that.

23 Because was it considered completed as
24 of summer of 2017, or was it here's the moment where

1 we're going to say we're at a good spot to let
2 everyone else know about it so that other allegations
3 can come forward?

4 MS. DOUGHERTY: Objection.

5 THE WITNESS: I think both would be the
6 answer to that. We had concluded what we had
7 available to us, based on records and/or
8 individuals that we interviewed. That though
9 that the scope of what we had looked at in the
10 set information we had was concluded, we
11 certainly understood that in sharing that
12 information with the community, particularly
13 with the acknowledgment that's here in this
14 letter, that you could expect that additional
15 individuals would come forward and remained
16 open to that.

17 BY MR. JUBB:

18 Q. And as part of your investigation into
19 historical allegations of sexual abuse at The Hill
20 School, beginning in the spring of 2016 up until the
21 time of this letter, November 20, 2017, did you come
22 across any allegations of improper conduct by or
23 sexual abuse allegations made against Matthew Ralston?

24 MS. DOUGHERTY: Objection.

1 MR. FOX: Let me just assert an
2 objection. And here's the basis for it.

3 Other than a review of an and any
4 reports of misconduct on the part of allegedly
5 on the part of Mr. Ralston that would have no
6 relevance to the current case. And I'm going
7 to object and instruct the witness not to
8 testify or answer about any historical
9 allegations or investigation of anyone else.

10 Is that clear?

11 MS. DOUGHERTY: I object to that
12 instruction. If the -- the witness has to
13 answer the question that's asked. If you have
14 an objection to the question that's asked, then
15 you should assert it. You can't give her an
16 instruction to change her testimony without
17 alerting anyone.

18 MR. FOX: No, I'm not asking her to
19 change her testimony.

20 MS. DOUGHERTY: Self-edit it, I guess.

21 MR. FOX: I'm not. I'm simply saying
22 that on the basis of attorney/client privilege,
23 because Ms. Gomez is an attorney and also on
24 the basis of relevance, I'm not going to allow

1 her to testify about her work on the historical
2 allegations that have nothing to do with this
3 case.

4 MS. DOUGHERTY: Okay. I don't agree
5 about relevance, but my issue was with your
6 instruction to the witness. If you have an
7 objection to a particular question that you
8 think implicates what you're raising, then you
9 should raise it. But you can't blanketly
10 instruct the witness to edit her testimony and
11 not identify that she would give testimony
12 that's responsive to an issue that you -- you
13 can't just instruct her not to provide that
14 information. She has to somehow indicate that
15 she would respond to the question providing
16 that information, or you have to object to the
17 question if you think it draws that
18 information. You can't just instruct her not
19 to say that. We need to know that she would
20 respond with something that you object to so
21 that we can raise the issue with the Court
22 because we don't agree with the position, but.

23 So that's my issue.

24 MR. FOX: Sure. Respectfully I

1 disagree with that when it comes to a lawyer's
2 testimony.

3 MR. POULOS: Well, respectfully, you're
4 leading your client to not answer a question.

5 MR. JUBB: I got news for all of you,
6 my question was just pertaining to Mr. Ralston,
7 so I think we're getting ahead of ourselves.

8 So I'm going to go back and ask my
9 question again. And I think we can get through
10 this pretty quickly. Because I know what my
11 questions are attempting to elicit. So I'll go
12 back and rephrase my question so it's clear.

13 MS. DOUGHERTY: Yeah, but the
14 witness -- if the witness is going to continue
15 answering questions and self-edit her testimony
16 based on that instruction, then we need to know
17 it.

18 MR. JUBB: (INAUDIBLE)

19 MS. DOUGHERTY: I'm not suggesting that
20 you can't assert your objection, but you can't
21 tell her not to provide information without an
22 objection or alerting people that she would
23 provide information of that nature so that we
24 can bring the issue to the Court.

1 MR. FOX: Well, I did object as well as
2 also give her an instruction.

3 Go ahead, Lane, ask your question.

4 MR. JUBB: Thanks, Mr. Fox.

5 MS. DOUGHERTY: You haven't answered my
6 issue. You've given an instruction that is --

7 MR. JUBB: There is nothing to answer
8 you. Ms. Dougherty, there is nothing to answer
9 you. I am asking questions. My questions was
10 appropriate. Whatever Mr. Fox said you can
11 take it up with him when he objects to your
12 question. Let me ask my questions. There is
13 nothing to go over right now.

14 MS. DOUGHERTY: Mr. Jubb, please, you
15 don't need to get irate about it. There is
16 something to go over. If the witness -- my
17 issue was the instruction. I agree that your
18 question didn't implicate the objection that
19 was posed.

20 Mr. Fox, have you withdrawn the
21 instruction?

22 MR. FOX: No.

23 MS. DOUGHERTY: Okay. Then I'm going
24 to go to the Court and have her testify again

1 if the witness is under an instruction to
2 self-edit her testimony without informing
3 anyone that she's doing that.

4 MR. FOX: Go ahead, Lane, ask your
5 question.

6 MR. JUBB: Thank you.

7 BY MR. JUBB:

8 Q. Ms. Gomez from the time you were first retained
9 of -- strike that.

10 Ms. Gomez, from the time you were first
11 contacted by someone from The Hill School in the
12 spring of 2016 up to until the time of November 20,
13 2017 when this letter was sent, during your historical
14 review, did you come across any allegations of child
15 sex abuse or sexual harassment or otherwise improper
16 conduct made against Matthew Ralston?

17 A. So in preparation for today, I did not go back
18 and review all of the work that was done from 2016
19 through 2017 prior to this letter.

20 My recollection is that the first time
21 that we became aware that there was a disclosure
22 related to Mr. Ralston was Mr. Garabedian's April 11,
23 2018 letter to Zach Lehman.

24 I would not have identified or reviewed

1 Mr. Ralston's file prior to that notification.

2 Q. And for all intents and purposes, if you just
3 look at this screen, is this the letter that you're
4 referring to --

5 A. Yes.

6 Q. -- April 11, 2018, letter to Mr. Lehman?

7 A. Yes.

8 - - -

9 (Exhibit Gomez-3, Law Office of
10 Mitchell Garabedian, Letter, April 11, 2018,
11 Bates stamped P16.219 through P16.220, was
12 marked for identification.)

13 - - -

14 BY MR. JUBB:

15 Q. We're going to call this Gomez-3, which is
16 P16.219 and P16.220.

17 Can you tell us how you first received
18 this letter.

19 A. I don't recall the exact. It would have been
20 forwarded to me by the school or by counsel for the
21 school.

22 Q. And when you reviewed these statements that
23 were being made against Mr. Ralston, at that point in
24 time did you know who Mr. Ralston was?

1 A. No.

2 Q. When you first saw this letter dated April 11,
3 2018 from Mr. Garabedian, did you take the accusations
4 and statements seriously?

5 A. Absolutely.

6 Q. Did -- strike that.

7 In response to receiving -- strike
8 that.

9 When you first saw this letter, did you
10 know who Mr. Garabedian was?

11 A. Yes.

12 Q. At some point in time did you then review the
13 employment file of Mr. Ralston?

14 A. Yes.

15 Q. At some point in time did you then review the
16 student file of Mr. Poulos?

17 A. Yes.

18 Q. Was it your intention to conduct an
19 investigation into the statements that were being made
20 against Mr. Ralston?

21 A. Yes.

22 Q. As part of an investigation into accusations of
23 child sex abuse, especially of this nature that was
24 described by Mr. Garabedian, would you want to

1 interview the accuser?

2 A. Yes.

3 MS. DOUGHERTY: Objection.

4 BY MR. JUBB:

5 Q. Did you ever have an opportunity to interview
6 Mr. Poulos?

7 A. I did not.

8 Q. At some point in time did you ever request to
9 interview -- strike that.

10 MR. JUBB: I don't want to intrude on
11 any sort of attorney/client privilege here,
12 Doug, so you might have an objections, but I'm
13 going to try best to avoid it.

14 BY MR. JUBB:

15 Q. Ms. Gomez, at any point in time did you request
16 access to -- strike that.

17 At any point in time did you ever
18 request to interview Mr. Poulos?

19 A. I did not specifically make the request, the
20 request was made through the School's counsel to
21 Mr. Garabedian multiple times. It would not have been
22 ethical for me to contact Mr. Poulos directly when he
23 was represented by counsel, from what I understood.

24 Q. And as part of your years of experience in

1 investigating accusations of child sex abuse, is it
2 important to personally interview the accuser?

3 MS. DOUGHERTY: Objection.

4 THE WITNESS: So I don't -- just to
5 frame that slightly. Lane, I don't use the
6 words accuser or accused. I use the word
7 complainant in that space. It is important in
8 evaluating what I call a credibility case that
9 I have the opportunity to interview the
10 complainant, the respondent, any
11 contemporaneous witnesses, witnesses to the
12 disclosure, contemporaneous documentation,
13 other facts and circumstances.

14 BY MR. JUBB:

15 Q. And at any point in time did you ever
16 personally, not through Mr. Rees, contact
17 Mr. Garabedian to request his cooperation?

18 A. I did not.

19 Q. At any point in time did Mr. Garabedian contact
20 you or your firm?

21 A. Not that I'm aware of.

22 Q. After you received the April 11, 2018 letter
23 from Mr. Garabedian, with the accusations made against
24 Mr. Ralston and you reviewed both Mr. Ralston's

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1 employment file as well as Mr. Poulos' school file,
2 did you come across any accusations of improper
3 conduct or child sexual abuse or sexual harassment
4 that were previously made against Mr. Ralston?

5 MS. DOUGHERTY: Objection.

6 THE WITNESS: No.

7 MR. FOX: Objection.

8 BY MR. JUBB:

9 Q. I'm going to show you what has previously been
10 marked here.

11 (Mr. Jubb is sharing his screen.)

12 And can your see my screen?

13 A. Yes.

14 Q. Okay. This was previously marked as P16.225
15 through P16.226, which I'm going to mark as Gomez-4.

16 - - -

17 (Exhibit Gomez-4, Law Offices of
18 Mitchell Garabedian, Letter, December 26,
19 2018, Bates stamped P16.225 through P16.226,
20 was marked for identification.)

21 - - -

22 BY MR. JUBB:

23 Q. And, Ms. Gomez, this is a letter dated
24 December 26, 2018, faxed by Garabedian Law Firm to

1 Mr. Rees.

2 Did you ever see a copy of this letter?

3 A. Yes.

4 Q. Did you conduct any additional investigation
5 into the claims of Mr. Poulos and Mr. Garabedian after
6 you received this letter?

7 A. This School gathered additional documentation
8 and records, yes.

9 Q. And did you have an opportunity to review them?

10 A. Yes.

11 Q. Did you have an opportunity to conduct any
12 interviews?

13 A. I did not conduct interviews in this matter.

14 Q. Did ever have an opportunity to speak
15 personally with Mr. Ralston?

16 A. The framing of your question is did I have an
17 opportunity? I'm certain I may have had an
18 opportunity, but I did not -- I did not at any time
19 speak with Mr. Ralston.

20 Q. Did you -- strike that.

21 After you had reviewed this letter, did
22 you have any -- strike that.

23 Would it be part of your pattern and
24 practice to advise institutions such as The Hill

1 School, how to respond to receiving letters like this?

2 MS. DOUGHERTY: Objection.

3 MR. FOX: Object to the form.

4 But go ahead.

5 THE WITNESS: Yes. Not with respect

6 to --

7 BY MR. JUBB:

8 Q. Would it be --

9 A. I'm sorry, Lane, if I can continue.

10 Q. Yes.

11 A. Not with respect to the civil litigation
12 aspect, but with respect to what next steps to take to
13 continue in seeking to engage the participation of
14 Mr. Garabedian and through him Mr. Poulos, so that we
15 could begin, from my perspective, the investigation.

16 Q. And what would those next steps be in response
17 to receiving a letter like this?

18 MR. FOX: You're talking about just in
19 general, not what specifically what happened
20 here?

21 MR. JUBB: Well, I'm just asking in
22 general because -- well, I'm happy to ask
23 specifically what was the response, but I don't
24 want to get into, you know, any discussion she

1 may have had with her client, so I'm asking it
2 generally.

3 MR. FOX: Right. I understand.

4 MR. JUBB: And I'll rephrase that with
5 that caveat.

6 BY MR. JUBB:

7 Q. So, Ms. Gomez, generally speaking what is the
8 standard procedure and protocol after you receive a
9 letter such as this?

10 MS. DOUGHERTY: Objection.

11 MR. FOX: Objection.

12 But go ahead.

13 THE WITNESS: So in any investigation,
14 my goal is to talk to the relevant parties to
15 the matter. So always very important to me to
16 be able to talk to the complainant to
17 understand fully their experience, what
18 information may be able to be corroborated, who
19 they may have shared with over a period of
20 time. We go back to look at an academic record
21 or a school file to see what information may
22 exist in that file that could be corroborative
23 in some way, even if doesn't reflect a direct
24 complaint.

1 In this particular case or a case like
2 this where this information, factual
3 information which was given to the school for
4 the first time in December of 2018, being able
5 to take some of the steps to verify or
6 corroborate whether that information could be
7 independently verified through school records,
8 through academic calendars, through other
9 available information.

10 BY MR. JUBB:

11 Q. And would you have any role in advising your
12 institution how to treat the person who is complained
13 of? I know you don't use --

14 A. Respondent.

15 Q. -- the accuser -- so respondent, okay. So I'll
16 clarify that.

17 Do you have any involvement in advising
18 the Institution the appropriate steps to take with the
19 Respondent in response to a letter such at this?

20 MS. DOUGHERTY: Objection.

21 THE WITNESS: Sometimes.

22 BY MR. JUBB:

23 Q. And after receiving a letter such as this,
24 would it be standard practice for you to advise the

1 Institution to restrict the Respondent's access to the
2 facility's campus, students, et cetera?

3 MS. DOUGHERTY: Objection.

4 MR. FOX: Objection.

5 THE WITNESS: Yeah. I can't speak to
6 standard practice. Certainly one of the things
7 that we always consider is, is there a current
8 risk to minors based on the information that we
9 know.

10 BY MR. JUBB:

11 Q. Did you ever come to any opinions that there
12 was a risk to minors -- strike that.

13 Did you ever come to any opinions or
14 conclusions after receiving this letter that there was
15 a potential risk to minors by Mr. Ralston?

16 A. Yes.

17 Q. I'm going to show you a letter here that is
18 March 26, 2019, which is P16.235. It was also
19 produced as Hill 235. It's a March 26, 2019 letter
20 from Mr. Rees at High Swartz to Mitchell Garabedian
21 and you're CCed on that.

22 Do you see that?

23 A. Yes.

24 Q. And I'm going to mark this for the record as

1 Gomez-5.

2 - - -

3 (Exhibit Gomez-5, High Swartz, Letter,
4 March 26, 2019, Bates stamped P16.235, was
5 marked for identification.)

6 - - -

7 BY MR. JUBB:

8 Q. After you received the December 2019 letter
9 from Mr. Garabedian, did you still have an interest in
10 trying to interview Mr. Poulos?

11 A. Yes.

12 MS. DOUGHERTY: Objection.

13 BY MR. JUBB:

14 Q. Did you ever -- strike that.

15 Did you ever have an opportunity to
16 interview Mr. Poulos after that?

17 A. No.

18 Q. Did you ever, through Mr. Rees, request
19 cooperation from Mr. Garabedian to make Mr. Poulos
20 available?

21 A. Yes.

22 MS. DOUGHERTY: Objection.

23 BY MR. JUBB:

24 Q. Did Mr. Garabedian ever -- I'm sorry to

1 interrupt your, please.

2 A. My understanding is -- so the timeframe that
3 you're asking December 26, 2018 to March 26, 2019,
4 there were three written requests. There was the
5 January 30th written request, the February 21st
6 written request and the March 26th written request.
7 I'm sorry. And actually a January 9th written
8 request. So four written requests.

9 And then prior to that between April of
10 2018, there were again multiple written requests. And
11 one time, that I understand that Mr. Rees talked to
12 Mr. Garabedian.

13 Q. And in any of those times -- strike that.

14 After you received the December 2019
15 letter, did you ever interview Mr. Ralston at all?

16 A. No.

17 Q. Did Mr. Garabedian ever provide you any
18 additional information, other than what he wrote in
19 the December 2019 letter, as it pertained to
20 Mr. Poulos' accusation?

21 MS. DOUGHERTY: Objection.

22 THE WITNESS: The December 20th letter,
23 no.

24 MS. DOUGHERTY: Objection.

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1 MR. JUBB: I'll rephrase.

2 BY MR. JUBB:

3 Q. Did Mr. Garabedian ever provide your any more
4 information as to Mr. Poulos' claims against
5 Mr. Ralston other than what he wrote in the
6 December 2018 letter?

7 MS. DOUGHERTY: Objection.

8 THE WITNESS: No.

9 BY MR. JUBB:

10 Q. At any point in time from when you first saw
11 the April 11, 2018 letter to present October 7, 2021
12 has Mr. Garabedian cooperated in way with any sort of
13 investigation pertaining to allegations that were made
14 against Mr. Ralston?

15 MS. DOUGHERTY: Objection.

16 THE WITNESS: I wouldn't classify it as
17 cooperate or not cooperate. The School,
18 through Mr. Rees, made a request that we speak
19 with Mr. Poulos. That did not occur. I am
20 still very interested in speaking with
21 Mr. Poulos.

22 MR. POULOS: You've never called me.

23 BY MR. JUBB:

24 Q. I will represent to you that we spoke in a

1 deposition with Mr. Poulos' mother, Mary Ellen Poulos,
2 who first contacted Mr. Garabedian. And she had read
3 an article in the New York Times where you and your
4 firm were mentioned and Mr. Garabedian had made a
5 comment as well. And in speaking with him, he had
6 told her that you're hired to help institutions "cover
7 it up."

8 Do your help institutions cover up
9 child sex abuse?

10 MS. DOUGHERTY: Objection.

11 THE WITNESS: I do not. In fact, I do
12 the exact opposite.

13 MR. JUBB: All right. Thank you for
14 your time. I have no further questions.

15 - - -

16 E X A M I N A T I O N

17 - - -

18 BY MS. DOUGHERTY:

19 Q. Good morning, I represent Mitchell Garabedian.

20 A. Good morning.

21 Q. You said that you know Mr. Garabedian. How do
22 you know Mr. Garabedian?

23 A. I know of him. I don't know if we've ever
24 spoken directly. I know of him through his work in

1 the Boston Dioceses. And I just know of him through
2 working in the independent school setting in
3 conducting reviews of the current or historical
4 allegations of abuse. I honestly don't recall whether
5 or not I've met him or spoken to him directly in the
6 connection with any other case.

7 Q. And you knew of Mr. Garabedian at the time you
8 were retained by The Hill School; is that right?

9 A. I think so, yes.

10 Q. When were you first retained by The Hill
11 School?

12 A. I believe it was around April of 2016.

13 Q. You were at Pepper Hamilton at the time; is
14 that right?

15 A. Yes.

16 Q. Did The Hill School retain you specifically or
17 Pepper Hamilton or a combination of attorneys?

18 A. They retained Gina and me, Gina Smith and me.
19 But the engagement letter is always you're engaging
20 the firm. And we are the primary attorneys assigned
21 to the matter.

22 Q. Okay. So there is a written retention
23 agreement between The Hill School and Pepper Hamilton;
24 is that right?

1 A. There should be, yes.

2 Q. And you prior -- let me start again.

3 Prior to The Hill School retaining
4 Pepper Hamilton, had you ever represented The Hill
5 School?

6 A. No.

7 Q. So the first request from -- for legal services
8 by The Hill School to you occurred in April 2016 when
9 you were with Pepper Hamilton; is that right?

10 A. Yes, around that timeframe.

11 Q. Do you still have the written retention
12 agreement between Pepper Hamilton and The Hill School
13 from April 2016?

14 A. I may. I did not look specifically today, but
15 I may have it.

16 Q. What was the scope of your representation?

17 A. If you'd give me a minute, I'd like to check
18 and see if I have the letter just to see. I have a
19 recollection, but I'd like to be accurate in that.

20 (Reviewing document.)

21 I have an engagement letter dated
22 April 22, 2016. As retained, Pepper Hamilton to serve
23 as independent counsel and provide legal advice and
24 guidance with respect to an internal review of

1 historical matters.

2 Q. Okay. So you said --

3 A. I'm sorry.

4 Q. Can you just say that again a little bit slower
5 because I want to write it down so I don't have to ask
6 you to keep repeating it.

7 So independent counsel...

8 A. Independent counsel and provide legal advice
9 and guidance with respect to an internal review of
10 historical matters. And then there is more.

11 I'm going to put this on another screen
12 so I can see your at the same time.

13 Q. Is there any reason we cannot be provided this
14 retention agreement now?

15 A. That's up to Chris.

16 MR. FOX: Pepper Hamilton may have a
17 say in that. I don't know. We'll see.

18 THE WITNESS: I can give you the rest
19 of the scope.

20 BY MS. DOUGHERTY:

21 Q. Okay. Inde -- so my question was directed to
22 Mr. Fox. I'm sorry. I probably should have said Mr.
23 Fox because it was a (INAUDIBLE) question. I turned
24 my head as if we're in the same room to ask you?

1 MR. FOX: Right.

2 MS. DOUGHERTY: So can the witness
3 provide us the retention agreement now so we
4 can -- I can ask her questions about it?

5 MR. FOX: Not now, but make your
6 request, you have made your request and we'll
7 consider it and figure out how to proceed. I
8 don't know whether Pepper Hamilton has a
9 position on this or not.

10 MS. DOUGHERTY: Why is it up to Pepper
11 Hamilton at all?

12 MR. FOX: It's their document.

13 MS. DOUGHERTY: Well, it's obviously in
14 Cozen O'Connor's system because Ms. Gomez just
15 accessed it through her computer.

16 MR. FOX: Sure. But that doesn't
17 change the fact that it's Pepper Hamilton's
18 document. You should ask Pepper about that
19 one.

20 BY MS. DOUGHERTY:

21 Q. Independent counsel and provide legal advice
22 regarding historical...?

23 A. To provide legal advice and guidance.

24 Q. And guidance.

1 A. With respect to an internal review of
2 historical matters. And then the scope is broken down
3 more fully.

4 I think there is about four bullet
5 points. As part of the engagement Pepper will assist
6 The Hill School in evaluating available information
7 and current legal requirements to determine a scope
8 of -- a course of action consistent with the School's
9 mission and institutional values.

10 Second bullet, conduct an internal
11 review of a historical allegation of misconduct by a
12 former school employee who is now deceased.

13 Q. Okay.

14 A. Third bullet, assist the School in providing
15 open transparent and sensitive communications to
16 relevant constituencies.

17 Fourth bullet, review relevant school
18 policies, procedures and training materials.

19 Q. Anything else regarding the scope of
20 representation by the School in April -- I'm sorry,
21 you say April 22nd --

22 A. April -- no, the rest of the letter is what a
23 plain engagement letter rates are, which remain
24 confidential information.

1 Q. And do a retention -- let me start again.

2 Did the Hill School specify attorneys
3 with Pepper Hamilton that it wanted to handle the
4 matter?

5 A. Gina Smith and I, the letter is under my
6 signature, will be the attorneys responsible for your
7 representation. From time to time they may ask other
8 Pepper attorneys and paralegals to assist me, et
9 cetera.

10 Q. Okay. For the moment, let's just stick with
11 the time that you represented The Hill School while
12 you were still at Pepper Hamilton before Cozen
13 O'Connor.

14 Did any attorneys, other than you or
15 Ms. Smith handle the representation of The Hill School
16 or participate in the representation of The Hill
17 School, again, while you were at Pepper Hamilton?

18 A. I would have to look at billing records. It's
19 entirely possible that associates worked with us in
20 the matter in reviewing documents or drafting
21 documents. But I don't have an independent
22 recollection if they did and if so who.

23 Q. Okay. So you sent -- let me start again.

24 The representation of The Hill School

1 was based on hourly rate time charges?

2 A. Yes.

3 Q. Did you send bills to The Hill School that
4 itemized the work that was performed while you were
5 representing The Hill School while with Pepper
6 Hamilton?

7 A. Yes.

8 Q. Do you still have access to those invoices?

9 A. I do not have access to Pepper Hamilton billing
10 invoices, no.

11 Q. And it's your recollection that the detail on
12 the invoices that you sent while with Pepper Hamilton
13 to The Hill School would identify the individual
14 performing the specific work that was being charged
15 for; is that right?

16 A. Yes. Standard billing statements billed in .1
17 increments with a description of the work.

18 Q. And sitting here today you don't remember any
19 other attorney with Pepper Hamilton, other than
20 Ms. Smith and yourself who performed work for The Hill
21 School?

22 A. As I said, I don't have an independent
23 recollection. I'm sure that there would have been an
24 associate who accompanied me to conduct interviews. I

1 don't have any recollection of who that might have
2 been at this time.

3 Q. Is that your standard practice to have an
4 associate accompany you when you conduct interviews?

5 A. A second attorney, yes, sometimes a paralegal
6 but not always an associate. Sometimes it's Gina,
7 sometimes it's someone else.

8 Q. Do you have -- let me start again.

9 Were there any paralegals who performed
10 work for The Hill School while you were with Pepper
11 Hamilton?

12 A. I don't recall.

13 Q. Did the scope of your representation of The
14 Hill School change while you were at Pepper Hamilton?

15 A. I don't know if it changed while we were at
16 Pepper Hamilton or later. But, yes, the scope did
17 expand in some ways.

18 Q. Okay. When did the scope of your
19 representation expand?

20 A. I have no recollection of when.

21 Q. Are you able to identify an event, such as one
22 of the letters that are at issue in the case --

23 A. Sure. So --

24 Q. -- or some letters that you've seen today that

1 might help you place it in a timeline.

2 A. We also advice The Hill School in response to
3 current reports they may happen. So additional
4 historical allegations that come forward like this one
5 that was not part of the original set of information
6 that we looked at in April. A misconduct or a
7 complaint from one student against another student and
8 assisting and reporting to child protective services
9 or law enforcement.

10 So any number of times over the past
11 five years assisting and giving legal advice about the
12 institutional response to sexual misconduct issues
13 that may arise.

14 Q. So the initial retention was to investigate
15 conduct by a deceased employee; is that right?

16 A. Among the broader scope of looking at all of
17 the allegations of historical allegations of sexual
18 misconduct.

19 Q. Okay. Other than the investigation relating to
20 the now deceased employee of The Hill School and the
21 complaint by Mr. Poulos about Mr. Ralston, did you
22 provide advice or assistance to The Hill School
23 regarding any other complaints of child abuse or
24 sexual abuse?

1 A. As I should, we reviewed whatever information
2 was available at that time based on school files or
3 information that had come to light involving whatever
4 the number of individuals was over a period of time.

5 Q. Okay. So you -- I'm just trying to understand.
6 Because you said any number of times over the past
7 five years you've given advice to The Hill School
8 regarding its institutional response to complaints of,
9 I don't remember if you said child abuse or sexual
10 abuse; is that right?

11 A. Both or either, yes. So whether it be a
12 historical complaint that comes in against a faculty
13 or staff member, a current complaint by a student
14 against another student.

15 Q. I see.

16 So just limiting my question to
17 complaints about faculty conduct directed to a
18 student. Have you investigated any complaints by
19 faculty members directed to a student, other than the
20 conduct by the now deceased employee and the claims by
21 Mr. Poulos for The Hill School?

22 A. The original review between April of 2016 and
23 the date of that letter, November of '17, included a
24 number of historical complaints involving a number of

1 individuals.

2 Excuse me. I just need to stand and
3 stretch.

4 MR. JUBB: We can take a break at any
5 time.

6 THE WITNESS: No. I just was sitting
7 in one position for a long time.

8 Thank you.

9 BY MS. DOUGHERTY:

10 Q. How about after November 2017, have you
11 provided advice or assistance to The Hill School
12 regarding complaints by any faculty member directed to
13 a student, other than the claims by Mr. Poulos against
14 Mr. Ralston?

15 A. I think so, yes. I don't have a specific
16 recollection, but my recollection would be yes.

17 Q. Do you still represent The Hill School?

18 A. Yes.

19 Q. Is there a written retention agreement between
20 Cozen O'Connor and The Hill School?

21 A. There should be.

22 Give me one second, I'll check.

23 (Reviewing document.)

24 I don't have one at my finger tips,

1 Candi. It's possible that there is and it's possible
2 that there is not. When we moved from Pepper Hamilton
3 to Cozen in February of 2017, we followed the standard
4 practice of notifying our clients that we were moving,
5 giving them the opportunity to transfer files. And
6 in -- the practice should be that in most of those
7 matters you put a new engagement letter in place.

8 I don't -- I can't say that that
9 happened every single time in the way that one might
10 expect that it would.

11 Q. So since the time that you've represented The
12 Hill School, just so I understand your answer, you
13 haven't obtained a new retention agreement for each
14 specific complaint that you investigated or provided
15 advice or assistance about; is that your point?

16 A. Yes. We would not -- it would all fall within
17 the scope of the initial engagement.

18 Q. So the scope of the services you currently
19 provide to Cozen O'Connor -- let me start again.

20 A. The Hill School.

21 Q. Yeah. Hold on.

22 The scope of legal services that your
23 presently provide to The Hill School is the same as
24 the scope in the initial retention in April 2016?

1 A. I think it is to be expanded to the extent that
2 we give advice on contemporaneous or real time
3 incidents or allegations. I don't like the word
4 allegations, but real time incidents that come
5 forward.

6 Q. So you completed some of the bullet points that
7 were part of the original retention --

8 A. Yes.

9 Q. -- and you -- but you continue to provide
10 advice or assistance regarding additional complaints
11 that come in between faculty and students, students
12 and students and faculty to faculty; is that right?

13 A. Yes.

14 Q. Are there any lawyers, other than you, who
15 provide legal services to The Hill School at Cozen
16 O'Connor?

17 A. So Gina and I are the primary attorneys. In
18 our work here I know, for example, one of my counsel
19 within our group reviewed the files. But the files,
20 meaning Mr. Ralston's personnel file, Mr. Poulos'
21 academic record.

22 And there may have been other aspects
23 of the work, legal research those sorts of thing, but
24 primarily it is Gina and me.

1 Q. Is the retention of Cozen O'Connor also based
2 on hourly rate time charges?

3 A. Yes.

4 Q. Do you send bills to The Hill School on a
5 regular basis?

6 A. Yes.

7 Q. And the bills that you've sent while with Cozen
8 O'Connor will reflect any attorney or paralegal who
9 has --

10 A. Yes.

11 Q. -- performed work for The Hill school; is that
12 right?

13 A. Yes.

14 Q. Do you have access to the invoices that were
15 sent while you were an attorney at Cozen O'Connor?

16 A. Yes.

17 Q. Just while we're here, because you mentioned
18 it, you said someone other than you reviewed the
19 personnel file of Mr. Ralston and the academic record
20 of Mr. Poulos. Did you keep like a copy of those
21 materials? Did you go to the school and review them?
22 How did you get access?

23 A. We have a copy. They were sent to us.

24 Q. Do you have a file that you maintain for the

1 representation of The Hill School?

2 A. I have -- yes-ish. I don't think I would say
3 there is a file. There is the internal Cozen file
4 that would include documents that were gathered. I
5 have primarily e-mail correspondence. And as I do
6 various things, I will print out documents, make my
7 own binders for reference. I may have handwritten or
8 typed interview notes.

9 Q. So just so I understand correctly, there is
10 like a main file for The Hill School that's maintained
11 in the Cozen O'Connor system; is that right?

12 A. I would say that records are kept in several
13 places. Part of it is my own personal records and
14 notes. For example, documents that I printed and made
15 note of today, I placed in a binder so that I had
16 documents at my fingertips. If I were to do an
17 interview, I may print out the relevant pieces from a
18 student file or a yearbook or other information for
19 the interview. When I go to prepare a written report,
20 I may print all of my interview memos and create a
21 binder that has all of that information. If I do a
22 board presentation or any other presentation to a
23 school, I might have an outline.

24 There is no one space that I would say

1 if you walked into my file room, here is every Hill
2 School document. But every Hill School document would
3 be maintained within my office, within Gina's office,
4 on e-mail correspondence or within the file room or
5 within the file management system, whatever that may
6 be.

7 Q. When you refer to the file management system,
8 are you talking about a hard copy or a system that,
9 like an electronic system that Cozen uses?

10 A. Doug could tell you what it's called. But
11 like a, I think at Cozen or Ballard -- I mean, at
12 Pepper or Ballard it was DMSV or something. So a file
13 management system where you file documents through a
14 central space.

15 Q. And there is both hard copy materials and
16 electronic materials; is that right?

17 A. Yes.

18 Q. You referenced material in your office and
19 Ms. Smith's office and the file room. I guess those
20 are hard copies, right?

21 A. Yes.

22 Q. Do you also have materials on your work station
23 or laptop that you use?

24 A. Yes.

1 Q. You said that you collected notes and materials
2 for today and put them in a binder?

3 A. Yes.

4 Q. What materials did you collect and put in a
5 binder?

6 A. I went through my correspondence and I -- to
7 refresh myself on the recollection of the timeframe,
8 which --

9 (Reviewing document.)

10 -- for me started with the April 2018
11 letter.

12 Q. Okay. So the first item in the binder that you
13 put together is?

14 A. The first item in the binder that I put -- in
15 my binder, for my own personal prep, is the
16 November 20, 2017 alumni letter. The next document in
17 the binder is the April 11, 2018 letter from
18 Mr. Garabedian to Mr. Lehman.

19 Q. Any other documents in the binder that you
20 prepared for today?

21 A. The documents in the binder I would describe as
22 falling into two categories. One is the
23 correspondence back and forth between Mr. Garabedian
24 and Mr. Rees. And the second would be the

1 attorney/client privileged communications between
2 myself and the school or myself and Mr. Rees. There
3 may be, I think, one or two communications that were
4 directed to me or the firm by Mr. Jubb, such as our
5 preservation notice.

6 And the Documents there were a handful
7 of actual excerpts from a student file or an employee
8 file or historical records around the timeframe that
9 were attachments to an e-mail document.

10 Q. For a student or faculty member, other than
11 Mr. Poulos or Mr. Ralston?

12 A. No. In this matter.

13 Q. All right. So the excerpts from the student
14 matter -- or the student file, rather, relate to
15 Mr. Poulos, and the excerpts relating to the faculty
16 member relate to Mr. Ralston?

17 A. Yes.

18 Q. How many documents are in your binder?

19 A. I don't know. And part of the challenge is
20 that the e-mails are not threaded, so each time that
21 you printed one e-mail, it might be the start of
22 e-mail one and then by the time you get to the
23 response you've got eight pages that are reprinting
24 the same documents over and over again.

1 But with respect to the public, by
2 public I mean non-privileged communications, it's
3 probably less than ten.

4 MS. DOUGHERTY: Mr. Fox, I'm just going
5 to direct my inquiry to you. I ask that you
6 ask the witness to give you her binder so it's
7 preserved. And I request the binder.

8 MR. FOX: I'll certainly make sure it's
9 preserved. As to the request for the binder,
10 some documents are public, and that's fine. If
11 they're privileged, they won't be produced but
12 I can give you a log, a privilege log.

13 MR. POULOS: I would also like a copy.

14 MR. FOX: Sure.

15 MS. DOUGHERTY: Based on your
16 representation, I'm not going to ask the
17 witness to list them all. So you will -- so
18 you'll at least give me a privilege log so I
19 know of everything that is in binder; is that
20 right?

21 MR. FOX: Sure.

22 MS. DOUGHERTY: And then we can argue
23 about whether we're entitled to the documents
24 at another time.

1 MR. FOX: Yes.

2 MS. DOUGHERTY: Thank you.

3 THE WITNESS: Yeah. And, Candi, just
4 so you understand this was really -- what's in
5 the binder is what I printed from my e-mail
6 correspondence so that I could be organized,
7 prepared, refresh myself on date and times.

8 MS. DOUGHERTY: I understand.

9 BY MS. DOUGHERTY:

10 Q. Have you been retained to provide any other
11 legal services for The Hill School, other than what
12 you've described pursuant to the April 22, 2016
13 retention agreement and your continuing scope since
14 joining Cozen O'Connor?

15 A. No.

16 Q. So you've never been retained by The Hill
17 School to represent it in litigation; is that right?

18 A. Never. We do no litigation.

19 Q. You were not retained by The Hill School in
20 relation to any threatened litigation by Mr. Poulos;
21 is that right?

22 A. I can't -- so the way that you asked that
23 question, they may have retained us because of
24 threatened litigation. I do not give litigation

1 advise. I do not serve in court. I do not litigate
2 on behalf of clients. My advice is investigating and
3 evaluating allegations or reports of abuse, advising
4 on legal obligations by reporting, advising on
5 appropriate institutional responses that are
6 consistent with those legal obligations, consistent
7 with the dynamics of child or educator abuse and
8 consistent with the School's stated committment to us
9 to respond to those in a manner that is candid and
10 transparent with their community.

11 Q. That last part, you said the School has made a
12 committment to us. But I -- that includes you and, I
13 assume, Ms. Smith, right?

14 A. Yes.

15 Q. To do what?

16 A. As stated in the April 2016 engagement letter,
17 assist the School in providing open transparent and
18 sensitive communications to relevant constituents.

19 Q. Oh, no. You said the School made a committment
20 to you or you said to us, the School made a
21 committment to us. Did the School make a committment
22 to you regarding how it would respond to any
23 investigation you performed?

24 A. What I just read to you, that the School has

1 communicated to us that there are values in this --
2 any matter of child abuse is to look at that through
3 the lense of child protection and to communicate
4 information as appropriate and necessary to do that.

5 Q. So as far as you're concerned, you never
6 provided legal advice or assistance to The Hill School
7 relating to any litigation by Mr. Poulos; is that
8 right?

9 A. The framing --

10 MR. FOX: Object to the form.

11 Go ahead.

12 THE WITNESS: The facts are
13 intermingled. So do I advice the School you
14 should settle a case, not settle a case? No.
15 Do I read a filing and adjust or revise or edit
16 a filing? No.

17 To the extent that the issues that I'm
18 asked to investigate arise through the context
19 of a demand letter or litigation, there is
20 necessarily overlap in how the issues come to
21 light. But I do not litigate. I do not advise
22 on litigation. And I do not represent the
23 School in litigation. The School has separate
24 counsel.

1 BY MS. DOUGHERTY:

2 Q. To whom do you owe allegiance in connection
3 with the legal services you provide to The Hill
4 School?

5 MR. FOX: Objection.

6 THE WITNESS: What do you mean by
7 allegiance?

8 BY MS. DOUGHERTY:

9 Q. Well, do you think you have any obligation to
10 act in the best interest of the complainants?

11 MR. FOX: Objection.

12 THE WITNESS: I think I have an ethical
13 obligation to do the engagement that I was
14 asked to do. And that ethical obligation is to
15 gather facts in an informed and sensitive way,
16 to reach a determination and/or provide legal
17 advice based on what I know and understand the
18 law and the issues of child protection to be
19 and to provide advice. I don't have a bias for
20 or against a complainant. I don't have a bias
21 for or against a respondent. And I don't have
22 a bias for or against an institution.

23 BY MS. DOUGHERTY:

24 Q. Do you consider The Hill School your client?

1 A. Yes.

2 Q. So do you consider you have an attorney/client
3 relationship with The Hill School?

4 A. Yes.

5 Q. So doesn't that mean that your allegiance is to
6 The Hill School?

7 MR. FOX: Objection.

8 THE WITNESS: Candi, when you say the
9 word allegiance, I hear bias. I hear that the
10 very common perception of institutional bias.
11 The same that Lane referenced in the New York
12 Times article that Mr. Garabedian made some
13 comment that I don't recall in that article. I
14 hear the idea in this field, there is a
15 perception of institutional bias that the
16 School was necessarily biased to withhold
17 information, to not do full investigations, to
18 use that very common phrase you see is sweep
19 things under the rug. That is not the nature
20 of my practice and that is not how I view the
21 work that I do.

22 And so when you say allegiance, yes, I
23 am hired to give legal advice to my client. My
24 client is The Hill School. My legal advice and

1 the reason that I am hired is to give advice
2 about issues as it relates to child protection.
3 And from my perspective that is the nature of
4 the advice, what are the legal requirements,
5 how do you comply with the law and how do you
6 respond in a manner that's consistent with your
7 institutional values or goals of elevating
8 child protection.

9 BY MS. DOUGHERTY:

10 Q. My question about allegiance was not intended
11 to suggest that you've helped the School or your
12 clients cover things up or engage in, you know, I
13 guess that would be unlawful conduct, right? My
14 question was more about -- well, it was. About you as
15 an attorney providing advice and assistance to, you
16 know, The Hill School that you've identified as your
17 client. I'm just trying to confirm that your
18 allegiance is to The Hill School, correct?

19 MR. FOX: Objection.

20 THE WITNESS: The Hill School is my
21 client, yes.

22 BY MS. DOUGHERTY:

23 Q. So you're not an independent investigator?

24 MR. FOX: Objection.

1 THE WITNESS: It's really interesting,
2 Candi, after our early conversations, I don't
3 think it was Mr. Garabedian, I'm fairly certain
4 it was with Mr. MacLeish in another matter. We
5 became aware that the term independent is a
6 term that is viewed with great disfavor. We no
7 longer use the term independent. And that was
8 from the framing, as we understood it, of
9 individuals, particularly plaintiff's counsel,
10 who made the assertion that because you were
11 hired by an institution that you could not
12 truly be independent.

13 From my perspective that's a
14 hyper-technical reading of that particular
15 word. We have shifted to the word external. I
16 received legal fees for the work that I do. It
17 doesn't matter who is paying those legal fees
18 if I am asked in my roll to provide candid
19 advice based on my assessment, that is what I
20 do. And my advice does not change based on
21 whether I am -- my advice does not change
22 because I'm engaged by an institution.

23 BY MS. DOUGHERTY:

24 Q. Okay. You said -- I just want to be clear.

1 You and I have never had communications, right?

2 A. Never.

3 Q. All right. So the communications you're
4 talking about are with someone other than me, in fact,
5 someone other than my partner Jeff McCarron who is
6 entered into the case or any attorney with my law
7 firm, right?

8 A. I don't know Jeff; I don't know you.

9 Q. Okay. So who were you communicating with about
10 the issue presented by -- identifying yourself as an
11 independent investigator?

12 A. I think it was probably Eric MacLeish;
13 completely unrelated, different matter, but just in
14 the context of the use of the term independent.

15 Q. And when was that, after the letters by
16 Garabedian?

17 A. I don't recall when.

18 Q. So you don't know when you stopped using the
19 term independent investigator to describe yourself?

20 A. I don't know the date, no.

21 Q. Is there an event that you can use to place it
22 or can you estimate without completely guessing? Like
23 this year? Within the past two years?

24 A. No, I would say 2016 to 2017 is the best guess.

1 Q. Do you consider yourself an auditor?

2 A. I don't know how you define that word.

3 Q. Well, how do you define it?

4 MR. FOX: Objection.

5 THE WITNESS: It depends on the scope
6 of my engagement. In some cases I conduct an
7 external audit at a college or university, a K
8 to 12 school, review policies and procedures,
9 interview implementors, sometimes seek feedback
10 from students, faculty or staff who
11 participated as complainants and respondents
12 and provide advice about the institutional
13 response, how to change or advise policies for
14 legal compliance and/or how to change practices
15 to ensure that what that school, college or
16 university, summer camp, what have you, is
17 doing is effective -- is consistent with what
18 we believe to be effective practices. So I do
19 conduct external audits, yes.

20 BY MS. DOUGHERTY:

21 Q. But the scope of your legal services for The
22 Hill School didn't include an audit as you've
23 described it; is that right?

24 A. It included that last bullet I shared, which

1 was review relevant school policies, procedures and
2 training materials.

3 Q. But not what you consider or just explained
4 what you mean by audit, correct?

5 A. We were not engaged to conduct an external
6 audit in the way that I just framed. I would say that
7 the review of policies, procedures and training
8 materials would be concurrent with the review of
9 historical work that we were doing.

10 Q. So you consider your communications with The
11 Hill School to be protected by attorney/client
12 privilege; is that right?

13 A. I do. Some engagements we are hired as
14 entirely external. The school may make a committment
15 that we're doing an audit and/or a historical review
16 of allegations. And that whatever report that we
17 write will be a report that is shared publicly at the
18 same time that it's shared with the institution.

19 The Curtis Institute of Music is an
20 example of a report that we recently released
21 publicly, maybe about a year ago. There are other
22 engagements where we were hired through
23 attorney/client privilege to do similar work. But
24 it's not necessarily -- it's sort of a broader advice

1 about, as I shared here, ongoing legal responses to
2 ensure that this school is meeting the legal
3 requirements as it relates to reporting to child
4 protective services or to local law enforcement and
5 taking appropriate steps with respect to supported
6 measures and protection of minors.

7 Q. Okay. So when you were retained April 22, 2016
8 by The Hill School, you understood that your retention
9 was as attorney/client and your findings, whatever
10 they may be, would not be made public; is that right?
11 At least not by you; is that right?

12 A. I would clarify to say I understood that the
13 role was attorney/client privilege. It was not
14 determined at that point what the School would choose
15 to do with that privilege, waive it or not waive it,
16 share a report or not share a report. I'm not even
17 sure not it's determined at the beginning necessarily
18 if there will be a written report. Sometimes there's
19 a part of the decisions you get later down the road.

20 Contrast that, Candi, with occasionally
21 there's a school as part of the engagement, we are
22 engaging you to conduct a review and we commit to the
23 public that we will share that review as written by
24 Pepper Hamilton or Cozen O'Connor. And so there is an

1 explicit statement that that is the goal of the
2 review.

3 Q. Okay. So you didn't receive that committment
4 from The Hill School; is that right?

5 A. That's right.

6 Q. The committment that the findings would be
7 shared, right?

8 A. I have the language in the engagement letter.
9 Assist the school in providing open, transparent and
10 sensitive communications to relevant constituencies.
11 And I have the November 2017 letter that shares,
12 through the review we learned of several troubling
13 incidents, those incidents involved, the abuse is
14 uncovered and sort of walked through. So The Hill
15 School, in this communication, chose to share high
16 level findings, conclusions, observations and
17 apologies.

18 (Ms. Dougherty is sharing her screen.)

19 BY MS. DOUGHERTY:

20 Q. I'm sharing with you a document that's been
21 previously marked as D2. I don't know because it's
22 covered, whether it has the same Bates label as what
23 was shown to you earlier as Gomez-1. But it is the
24 April 23, 2016 letter from Mr. Lehman to Hill School

1 alumni and parents. It's two pages long. Well, it's
2 really one page and then there is a signature on the
3 second page.

4 Did you participate in the preparation
5 of the April 23, 2016 letter that has been marked as
6 D2?

7 A. I probably did. I don't have an independent
8 recollection of that, but I probably did. I did not,
9 as I shared earlier, review my file from 2016 through
10 2018.

11 Q. Do have sort of a standard practice and
12 procedure as to how you provide advice to schools
13 regarding their institutional response or
14 investigation into historical sexual abuse complaints?

15 A. Ask me that question again, Candi, I want to
16 make sure I understand it.

17 Q. Sure. I'm trying to use your language so you
18 don't feel like I'm putting words in your mouth.

19 A. Go ahead.

20 Q. I just wanted to know if you have a standard
21 practice and procedure that you follow in connection
22 with retentions like the retention by The Hill School,
23 to perform the investigation and whatnot?

24 A. So every engagement is a different engagement.

1 And so when you say standard practice, my standard
2 practice is to gather any and all written information,
3 files, communication, documentation to -- if I'm
4 conducting an investigation, to identify who potential
5 witnesses may be, to interview those witnesses. So
6 that's one type of an engagement. An external audit
7 is similar but different.

8 Q. Okay. How about I think part of your first
9 bullet point as it related to the retention by The
10 Hill School was to conduct an internal review of
11 historical allegations of abuse.

12 Have you been engaged by -- let me
13 start again.

14 As of April 22, 2016, had you been
15 engaged by other clients and performed for other
16 clients an internal review of historical allegations
17 of abuse?

18 A. Yes.

19 Q. As of April 22, 2016, did you have a standard
20 practice and procedure as to how you would conduct an
21 internal review of historical allegations of sexual
22 abuse?

23 A. Yes.

24 Q. Did you have a standard practice and procedure

1 that was specific to schools or colleges or different
2 types of institutions or is there just one -- or was
3 there just one standard practice and procedure that
4 you had as of April 22, 2016 relating to an internal
5 review of historical allegations of sexual abuse?

6 A. I think the standard practice and procedure is
7 to evaluate what the available information is, to
8 determine what documents may exist, to then follow
9 those leads wherever they lead you, follow the
10 information wherever it leads you, to interview
11 witnesses and to gather whatever other documentation
12 may be available, whether that be through an e-mail
13 review, a review of cell phones or text messages,
14 coordinate and contact with external law enforcement.

15 Every investigation or review, I use
16 those words interchangeably is necessarily similar and
17 necessarily different based on what information is
18 available to you. The standard practice is to listen
19 with an earnest intent, to be open to whatever the
20 information is and to follow that information wherever
21 it leads.

22 Q. Do you know why Mr. Lehman decided to send the
23 April 22, 2016 letter that's been marked as D2?

24 MR. FOX: Objection.

Leslie M. Gomez, Esquire

1 THE WITNESS: I know what was shared
2 with me at the time, which is --

3 MR. FOX: Leslie.

4 THE WITNESS: Yes.

5 MR. FOX: If it's an attorney/client
6 conversation, I'd request that you not testify
7 about that.

8 THE WITNESS: I think it's what's
9 within the letter that was shared publicly --

10 MR. FOX: Okay.

11 THE WITNESS: -- which is that the
12 School sought to conduct a proactive review.

13 I think the November 20, 2017, second
14 paragraph, "At that time the unanimous support
15 of The Board of Trustees, I initiated a review
16 of historical allegations and abuse at The Hill
17 and the School's response to those allegations.
18 This was a proactive review by the School not
19 initiated by any complaint. As Headmaster I
20 felt it was important to understand more about
21 the School's history. The Board and I also
22 felt it was imperative that review be external,
23 objective and informed by the appropriate
24 expertise."

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1 BY MS. DOUGHERTY:

2 Q. So you're reading from the November 20, 2017
3 letter?

4 A. Yes.

5 Q. Just to be clear, I'm asking you whether you
6 know why Mr. Lehman sent the April 23, 2016 letter?

7 A. What I'm answering is that that is my
8 understanding of the reason why.

9 Q. Did Mr. Lehman send the April 23, 2016 letter
10 to Hill School alumni and parents based on your
11 advice?

12 MR. FOX: Objection.

13 THE WITNESS: No.

14 And, in fact, I was looking back while
15 we were talking. I don't -- I want to clarify
16 a prior answer. I don't believe that we
17 advised on this letter. Given the date of our
18 engagement, April 22, 2016 I don't believe that
19 we advised on this letter.

20 BY MS. DOUGHERTY:

21 Q. And at the time your retention, April 22, 2016,
22 The Hill School had received at least one complaint
23 regarding inappropriate contact or conduct by a
24 faculty member directed to a student; is that right?

1 A. If I'm following your question...

2 Q. Well, let me phrase it a different way.

3 The scope of your retention on
4 April 22, 2016 included an investigation into conduct
5 by a now deceased Hill School employee; is that right?

6 A. That's correct.

7 Q. So as of your retention or Pepper Hamilton's
8 retention, April 22, 2016, The Hill School had
9 received at least one complaint regarding
10 inappropriate conduct by a faculty member directed to
11 a student; is that right?

12 A. My recollection is that there was no current
13 complaint or historical complaint in April of 2016.
14 That it was a proactive review based on information
15 that was available and files which may have included
16 complaints that had been made in prior years.

17 Q. Okay.

18 A. But there was no precipitating complaint in
19 April 2016 that I'm aware of.

20 Q. I understand.

21 So you didn't -- let me start again.

22 As far as you knew, there wasn't a
23 complainant as it related to the conduct by the
24 deceased faculty member, but the school had somehow

1 learned information that it wanted you and Ms. Smith
2 to investigate regarding the conduct of the deceased
3 faculty member; is that right?

4 A. As far as I knew there was no contemporaneous
5 complaint in April of 2016 that caused the School to
6 initiate this. That what was shared in that 2017
7 letter was that the school chose to do a proactive
8 review based on information that was available in
9 their files and wanting to understand their history.

10 Q. But as of April 22, 2016, the School had some
11 information regarding misconduct, I assume, of a
12 sexual nature, I think you said by the now deceased
13 faculty member; is that right?

14 A. Yes.

15 Q. Because it showed up in your retention
16 agreement, right?

17 A. Yes.

18 Q. Okay. So now that you've reviewed D2 and some
19 of the subsequent materials, you now believe that you
20 did not participate in the preparation of the
21 April 23, 2016 letter that has been marked as D2 and
22 was previously shown to you as Gomez-1; is that right?

23 A. Given the date of the engagement letter and
24 given that my first contact with the School was

1 April 22nd of 2016, I do not believe that we reviewed
2 that letter.

3 I don't have access easily to the
4 Pepper Hamilton e-mail correspondence to see if there
5 would have been a draft that was shared back and
6 forth, but I do not believe that we reviewed this
7 letter.

8 Q. When you're retained to perform an internal
9 review of historical allegations of sexual abuse do
10 you advise your client to send a letter like the one
11 reflected in the April 23, 2016 letter that's been
12 marked as D2?

13 MR. FOX: Objection.

14 THE WITNESS: So setting aside the like
15 that particular letter, to the extent that we
16 are doing an external review and we're seeking
17 to gather widespread historical information
18 about sexual abuse or reports that may have
19 been made, part of that process is reaching out
20 to students, faculty, staff and alumnae to
21 invite individuals to participate and share
22 information.

23 BY MS. DOUGHERTY:

24 Q. Okay. I'll just give you an example. I'm a

1 litigator, not an investigator like you are. So every
2 time I'm retained by a client, it's in connection with
3 litigation. I enter my appearance with the Court. So
4 every time I represent a client in litigation I enter
5 my appearance. It's standard practice no matter who
6 or where, what you have to enter your appearance with
7 the Court.

8 So I'm just trying to learn if you have
9 a standard practice of advising your clients to send a
10 specific type of letter when you are retained to
11 perform an internal review of historical allegations?

12 A. It depends on the scope of the engagement.

13 MR. FOX: Objection.

14 BY MS. DOUGHERTY:

15 Q. Okay. So like in looking through the April 23,
16 2016 letter that's been marked as D2, you don't
17 recognize any language that you generated or
18 customarily advise your clients to include in letters?

19 MR. FOX: Objection.

20 THE WITNESS: Can you scroll down, I
21 want to just look at the end of it.

22 BY MS. DOUGHERTY:

23 Q. Sure.

24 (Ms. Dougherty is moving the screen.)

1 A. (Reviewing document.)

2 Is there a second page?

3 Q. There is, but it's just a signature, but I'll
4 show it to you.

5 A. Okay.

6 (Ms. Dougherty is moving the screen.)

7 (Reviewing document.)

8 Yeah. Candi, I don't have an
9 independent recollection.

10 Q. Okay.

11 A. And this is the type of information that is
12 typically included in a letter that may go out. If
13 it's a specific invitation to participate in a review,
14 it would have language like you saw in the
15 November 2017 letter that says we encourage you to,
16 come forward. I extend an invitation to any Hill
17 School community member who wishes to share his or her
18 experiences with the School or, if appropriate, with
19 law enforcement, encourage you to reach out directly.
20 You can contact Leslie, Gina, the School or this
21 survey.

22 Q. Sorry. I'm just trying to use the same version
23 that the plaintiff used.

24 A. Take your time.

1 Q. It's much easier to conduct a deposition when
2 you have the documents in your hand and you just hand
3 it to people.

4 There we go.

5 (Ms. Dougherty is sharing her screen.)

6 So I'm showing you the November 20,
7 2017 letter. You previously were shown a letter.
8 It's marked as Gomez-2. I'm going to mark it as D33.

9 - - -

10 (Exhibit D33, The Hill School, November
11 20, 2017, 3 pages, was marked for
12 identification.)

13 - - -

14 BY MS. DOUGHERTY:

15 Q. Did you participate in the preparation of the
16 November 20, 2017 letter?

17 A. I'm sure I did.

18 Q. And I think you told Mr. Lane -- or Mr. Jubb
19 earlier that at the time that this letter was sent,
20 November 20, 2017, you had concluded your
21 investigation into historical allegations of sexual
22 abuse; is that right?

23 A. We had concluded a review of the available
24 information at that time, yes.

1 Q. And is it correct that you expected additional
2 individuals to come forward in response to the
3 November 20, 2017 letter?

4 MR. FOX: Objection to the form.

5 THE WITNESS: Just a small quibble on
6 the word expect. It is correct that I
7 certainly viewed that as likely or potential.
8 Not that I necessarily expect. I didn't have
9 any particular incident, case or file in mind.
10 But what I have seen in my experience is that
11 when a school shares information publicly and
12 is receptive to that and reflects that back to
13 their community, that if -- that sometimes is
14 an impetus for other individuals to come
15 forward and share their experience as well.

16 BY MS. DOUGHERTY:

17 Q. Do you know why the Hill School sent the
18 November 20, 2017 letter?

19 MR. FOX: Objection.

20 MR. JUBB: Objection to form.

21 THE WITNESS: For the reasons that are
22 stated in the letter. We have a history. We
23 would have knowledge that we want to apologize
24 for. We want to encourage anyones else to come

1 forward.

2 BY MS. DOUGHERTY:

3 Q. Did you advise the Hill School to send the
4 November 20, 2017 letter?

5 MR. FOX: Objection.

6 Don't respond to that, Leslie.

7 MR. POULOS: On what grounds?

8 MR. FOX: Attorney/client privilege.

9 MS. DOUGHERTY: Well, Mr. Fox, I guess
10 I'm just confused because I asked if she knew
11 why and she told me that the reason was as
12 expressed in the letter, which I don't think
13 the letter indicates our lawyers advised us to
14 do it, right?

15 MR. FOX: Well, the question you asked
16 was did you advise your client to send the
17 letter. That was the question.

18 MS. DOUGHERTY: That wasn't exactly my
19 question, but that's fine --

20 MR. FOX: That was your question.

21 MS. DOUGHERTY: We'll just go to the
22 court.

23 MR. FOX: Try to restate it then.

24 MS. DOUGHERTY: Okay.

1 BY MS. DOUGHERTY:

2 Q. I'm directing you --

3 A. You can frame your question this way. Part of
4 our engagement would include discussion as to the form
5 of how information may be shared. What specific
6 advice I gave or did not give I think is what Mr. Fox
7 is asserting privilege on, but certainly it would have
8 been within the scope of our legal advice to discuss
9 how best to share the information with the community.
10 And that was consistent with the scope of the
11 engagement letter.

12 Q. Please correct me if I'm wrong, but my
13 understanding of the description of the legal services
14 that you provided to The Hill School or that are even
15 typical of your engagements, that you don't actually
16 tell the institution what to do, you advise the
17 institution how to comply with the law and report your
18 findings. And when the institution makes a decision
19 on how it wants to respond, then you assist them in
20 that response; is that right?

21 A. So the client makes the decision, yes. I
22 provide the legal advice.

23 Q. So it's not the situation that if you learn of
24 a historical allegation of sexual abuse that you

1 instruct your clients to send a letter to the
2 community, right. You just report the information
3 that you learn and then respond to your client and
4 assist your client in an appropriate and legal
5 response, correct?

6 A. I don't think I would frame it quite way. In
7 other words, you asked me earlier about one of our
8 standard protocols.

9 Q. Mm-hmm.

10 A. Part of the standard protocol is, what is the
11 information that we have, what is the information that
12 we're seeking to gather, are there communications as
13 framed in this letter that support the goal of our
14 engagement or institutional mission and values at the
15 school.

16 So we do provide advice, legal advice,
17 about the form and nature of communications as it
18 relates to our work. Ultimately our discussions with
19 any school would include what are the various ways in
20 which you can share this information with the
21 community. And that could be any number of stops
22 along -- I'm losing my word -- but along a spectrum,
23 if you will.

24 Q. So between your initial engagement and the

1 April 22, 2016 and as of the time of this November 20,
2 2017 letter, what investigation did you or the other
3 attorneys with Pepper and then Cozen O'Connor, what
4 did you do as part of the investigation?

5 A. I would --

6 Q. And I'm just limiting it to the investigation
7 that ended initially on November 20, 2017 as compared
8 to any investigation related to Poulos?

9 A. Right. I would have to go back and look. But
10 standard practice would be, and again, I did not
11 review that portion of the engagement. Standard
12 practice would be review the available documents,
13 review what's available in school files, personnel,
14 education records, yearbooks, review other
15 contemporaneous documentation to the extent that there
16 is any, such as a Headmaster's file or some file for
17 the year that might not be contained within any
18 particular personnel or educational file. Interview
19 the individuals that might have relevant information,
20 which would include the complainant, the respondent if
21 available, and school administrators who would have
22 been in place at a particular time who might have
23 recollections of the context, the parties, other
24 information.

1 So standard response is to gather
2 documents, gather whatever other evidence there may be
3 and interview witnesses.

4 Q. Okay. And just to be clear, the documents that
5 you're talking about -- well, let's just -- you know
6 what, let's just start with your standard practice, if
7 there is one. You can tell me if there is not.

8 As it relates to your standard
9 practice, when you talk about collecting documents, do
10 you just receive information or documents that the
11 School gives you regarding specific complainants or
12 complaints or do you go look through personnel files,
13 educational records in a more general sense?

14 A. It depends on the engagement.

15 Q. How about the engagement by the Hill School,
16 were you given a specific field of personnel files,
17 student files or other educational records or did you
18 perform a broader review of documents?

19 A. There was a review of files. I don't recall
20 the specifics of the review of the files. But I do
21 know that we looked at a broad range of information.

22 MR. FOX: Can we take a break for about
23 five minutes.

24 MS. DOUGHERTY: Sure.

1 (A short break was taken.)

2 BY MS. DOUGHERTY:

3 Q. Ms. Gomez, are you ready?

4 A. Yes. Thank you.

5 Q. We were talking about your standard practice
6 before the break, so just sticking with that.

7 Your standard practice for performing
8 an investigation into historical allegations of abuse.

9 Do you have like a checklist of
10 documents that you request or that you developed over
11 time that you know to request?

12 A. A written checklist or just sort of our
13 practice and how we do it?

14 Q. Either. Well, let's start -- let's do it this
15 way. Do you have a written checklist?

16 A. We may have had over the years. I don't know
17 if I actually have one or could put a finger on one.

18 Q. Okay. How about your standard practice and
19 procedure?

20 A. I don't think that it's written in a document
21 that you would say this is the protocol to follow, no.

22 Q. Okay. With that -- how about unwritten?

23 A. Sure.

24 Q. What's your unwritten checklist or standard

1 practice and procedure, whatever you want to refer to
2 it as, please use your words, of documents that you
3 request when you're starting your investigation into
4 historical allegations of abuse?

5 A. Yeah. Again it depends on the scope of the --
6 depends on the nature of the allegations, the scope of
7 what's been reported and where we might easily be
8 expected to find documents.

9 So you could run through in any one of
10 those circumstances. And again, depending on the
11 context, is it a K to 12 school, is it a college and
12 university. But I want to understand what is in
13 writing. I want to look at individual files, student
14 files or personnel records. I want to understand how
15 a school conducts their records management systems,
16 where in their records management systems they might
17 store information.

18 In a historical allegation of sexual
19 abuse we're primarily looking at the written documents
20 as oppose to -- or paper, hard copy documents as
21 opposed to e-mail correspondence. So if I go back to
22 a review from a Head of School in the '80s, for
23 example, I'd want to understand how did that Head of
24 School keep their information, where might records

1 have been stored, were records passed from one Head
2 Master to the next. So I think the best way to answer
3 that question is that I would go through scoping
4 interviews or custodial interviews to understand the
5 scope of where documentation might exist. That might
6 include a Head of School, an Assistant Head of School.
7 It might include, and often we see, an Administrative
8 Assistant or a Secretary that might have access to
9 records.

10 Some schools have very robust archives,
11 some schools do not. Some school have digitized and
12 scanned their records some schools have not. Some
13 schools maintain files by employee. Some schools
14 maintain -- you could sort of go and find "the Head of
15 School file" for each year that particular Head of
16 School.

17 So when I say there is no standard
18 protocol or no standard list, the list is any and all
19 available records that might shed light on the issues
20 that we're investigating, help us to understand the
21 particular response. It often includes -- for
22 example, one investigation that we're doing now
23 involves a church and a school. So I go to school
24 board minutes. I go to vestry or church board

1 minutes. I look at yearbooks and/or other archival
2 materials about public communications about the
3 employees that we might be looking at.

4 If it's a college or university, I may
5 seek to understand or will always seek to understand
6 what prior reports might have been made to the police
7 department, campus police, what prior reports may have
8 been made to Human Resources, to Student Affairs, to
9 students concern. In a residence hall context, if I
10 am looking at a more recent incident, as I shared
11 earlier, it may be that the school or college or
12 university maintains a -- they provide or pay for the
13 cell phone service they're university issued or owned.
14 I may, in fact, image cell phones and/or laptops
15 and/or iPads or the like and we'll get communications
16 by text or iMessage. I may look at social media.

17 So I'm not giving you an exhaustive
18 list of documents. There may be -- we may obtain
19 medical records or counseling records that the
20 individual consents and gives them to us. There may
21 be -- I'm just trying to think of all of the various
22 kinds of information that's out there. But if there
23 is something that's available that I can reasonably
24 access, I seek to do that, including sometimes seeking

1 to get access from local law enforcement records or
2 other information.

3 The goal is to be as thorough as
4 possible in gathering information, particularly
5 because when you are investigating sexual assault,
6 child abuse, sexual harassment, there are often many
7 ways to corroborate information that's brought to
8 light, based on contemporaneous disclosures, based on
9 contemporaneous communications, based on the history
10 and the context of the relationship between the
11 parties or other factors that might help you to
12 evaluate the credibility of the information that's
13 being shared.

14 Q. Am I correct that you don't remember the
15 specific materials that you had requested from The
16 Hill School in connection with the investigation into
17 historical allegations of sexual abuse?

18 A. That's correct.

19 Q. Did you make the request for materials in
20 writing?

21 A. Likely.

22 May have been in writing. May have
23 been in person during an interview. As you're having
24 a conversation during an interview with a Head of

1 School or a former Head of School that you're asking
2 for information and saying, can you go back and check
3 the record and share with me. So sometimes it's
4 orally, sometimes it's in writing.

5 Q. If your -- let me start again.

6 If you wrote down or provided The Hill
7 School a list of materials you wanted in writing,
8 would you still have access to that? Is that in your
9 filed materials somewhere?

10 A. Theoretically the Pepper Hamilton file would
11 have been transferred to Cozen. I can't tell you
12 whether it was or was not, whether the transfer was
13 complete or not complete.

14 Q. If there was a writing it would be reflected in
15 somebody's time entry on an invoice, right?

16 A. Maybe. In other words, the invoice might just
17 say correspondence with, you know, whoever it may be.
18 It might not say correspondence with to request X, Y,
19 Z. They're not -- my time entries aren't always that
20 specific to say exactly what the nature of the
21 discussion and the call was or the request.

22 Q. I think you described the interviews as
23 custodial interview or a scoping interview, is that
24 what you're talking about --

1 A. Right.

2 Q. -- where you would ask somebody orally for
3 additional material? So when you're interviewing
4 somebody, if they identify a cell phone that belongs
5 to the school or an archive that they have or
6 something, you might ask them to provide that, right?

7 A. Right. So there might be instances where all
8 I'm doing is a custodial interview. All right. Maybe
9 for an audit type purposes or responding to a Federal
10 investigation, like an office for Civil Rights or
11 Department of Education. Other instances I'm
12 interviewing a person as a fact witness, as well as in
13 the context of that interview doing all of my
14 questions about where I might reasonably find access
15 to other information that is relevant to the scope of
16 my review.

17 Q. I think you referenced it earlier, but you keep
18 notes when you perform an interview, whether it's --

19 A. Absolutely.

20 Q. -- scoping, custodial or as a fact witness; is
21 that right?

22 A. Absolutely.

23 Q. Do you indicate in your notes whether you asked
24 for additional materials during your interview?

1 A. Sometimes, yes, typically.

2 Q. Did you perform scoping or custodial interviews
3 in connection with your investigation for The Hill
4 School into historical allegations of sexual abuse?

5 A. I'm sure that as part of the interviews that we
6 did, we asked questions about where documents and
7 records might be kept and what information was
8 available, yes.

9 Q. Did you interview school officials in
10 connection with your investigation into historical
11 allegations of sexual abuse at The Hill School?

12 A. You're talking about the 2016 to 2017 time
13 period?

14 Q. Correct.

15 A. Yes. I would say -- I'd have to go back and
16 double check, but primarily former school officials.
17 There may have been some who were still currently
18 employed, but primarily former.

19 Q. Right. Because you were looking into
20 historical allegations as compared to present
21 allegations, right?

22 A. That's correct.

23 Although we would have done some
24 interviews of current employees to the extent that

1 they were employed at the time or could share insight
2 with us now as to where documentation might be, what
3 documents might still be available at the school.

4 Q. And just as a point of reference, did you
5 conduct all the interviews? Did Ms. Smith conduct all
6 the interviews? Did you share them?

7 A. I don't have a recollection. Typically I would
8 be involved in most, if not all.

9 Q. If you know, is it Ms. Smith's practice to also
10 keep notes during an interview like you do?

11 A. If Ms. Smith and I do the notes, I tend to do
12 the more complete typed notes. Ms. Smith maintains
13 notes I think as to kind of core issues or core themes
14 that come along. But my notes would typically be the
15 more complete set of notes.

16 Q. In connection -- again, sticking with the
17 investigation into historical allegations of sexual
18 abuse at The Hill School, did you interview any
19 alumnae or current students?

20 A. I don't recall if we interviewed -- I'm -- I
21 don't recall if we interviewed alumnae. I think that
22 we probably did. I don't believe that there would
23 have been any reason to interview current students
24 based on that work that we were doing at that time.

1 Q. Did you have any contact with law enforcement
2 regarding to --

3 A. I don't remember. Sometimes we do.

4 Q. And you didn't have any complainants or
5 respondents to interview in connection with the
6 investigation of historical allegations of abuse; is
7 that right?

8 A. So we may have. In other words, we may have
9 and I just don't recall. We may have reached out to
10 an individual to say we've become aware, we are
11 reviewing, we'd like to invite you to participate. I
12 just don't recall whether we did or did not in that
13 case.

14 Q. But it's part of your standard practice to
15 interview both the complainant and a respondent; is
16 that right?

17 A. If available, yes.

18 Q. By if available, you mean if the complainant or
19 the respondent agrees to submit to an interview?

20 A. Yes.

21 Q. And just to confirm, any contacts you had with
22 law enforcement or with former or current students or
23 a complainant or a respondent, we would find notes or
24 some type of writing in your file materials, right?

1 A. Yes.

2 (Ms. Dougherty is sharing her screen.)

3 Q. Okay. We're back to the November 20, 2017
4 letter that you were shown as Gomez-2 and that I've
5 marked as D33. We were looking at it before the
6 break, but it's hard to ask question with something in
7 your face like that.

8 So I'm going to direct your attention
9 back to the second page, the middle of the page, the
10 paragraph that starts with, "I extend an invitation to
11 any Hill School Community member."

12 Can you see that paragraph okay?

13 A. Yes.

14 Q. It's the only one that has color, I think, on
15 that page.

16 A. I got it.

17 Q. Now when this letter was sent out to The Hill
18 School alumni, were you copied on the message?

19 A. I don't recall. I know I would have received a
20 copy, if not contemporaneously, it would have been
21 forwarded to me. I don't think we would have been
22 cc'd on it. Because it would -- typical practice is
23 it goes out to the schools distribution system,
24 whatever that system might be.

1 Q. Do you know how it was transmitted?

2 A. I do not know.

3 Q. Okay. As you realize -- I'm sorry. Go ahead.

4 A. I would say that the -- this to me looks like
5 it was transmitted by e-mail. But some schools also
6 do a hard copy mailing. I don't know what the
7 dissemination was here.

8 Q. And you knew before the letter -- let me start
9 again.

10 You knew before the November 20, 2017
11 letter that's been marked as D33 was sent, that you
12 were going to be identified in the letter as a source
13 of contact for, I guess, complainants that wanted to
14 come forward; is that right?

15 A. Yes.

16 Q. Was that the objective of including your
17 contact information in the November 20, 2017 letter to
18 invite complainants to come forward?

19 A. Yes.

20 Q. Did any complainants come forward?

21 A. I don't recall. I want to say yes, but I don't
22 recall.

23 Q. You mean -- let me start again.

24 Did any complainants other than

1 Mr. Poulos come forward in response to the
2 November 20, 2017 letter?

3 A. Again, for today, I did not review that portion
4 of my engagement. My best recollection, without going
5 back and looking at documents is that, yes, additional
6 individuals came forward.

7 Q. You're identified in the letter as, it says,
8 "our child protection experts," our referring to the
9 school. I'll just -- it says, "You may also directly
10 contact our child protection experts Leslie Gomez," it
11 has your e-mail, "Gina Smith" with Ms. Smith's e-mail
12 and a phone number.

13 Do you consider yourself a child
14 protection expert?

15 A. I guess you would have to evaluate how someone
16 defines the word expert. I consider that since 1995 I
17 have worked in the area of investigating, evaluating
18 and assessing reports of child abuse in the criminal
19 context for 14 years and then in private practice for
20 10 years. So it is something where I have interviewed
21 thousands of complainants, respondents. Conducted
22 thousands of investigations and/or prosecutions. I am
23 familiar with the dynamics of grooming, of delays in
24 reporting, of perpetration. I am familiar with Legal

1 Frameworks. I am familiar with Child Protective
2 Services Frameworks, Criminal Frameworks,
3 Institutional Frameworks, with Title 9 and with
4 clearing. My practice is a dedicated focused practice
5 that looks at sexual and gender based harassment and
6 violence and child abuse.

7 So, yes, I do consider myself to have a
8 higher level of experience with, a familiarity with
9 and history with child protection issues.

10 Q. Okay. So do you use the title child protection
11 expert?

12 A. Do I use it? Like does my website say it?

13 MR. JUBB: Objection to form; asked and
14 answered.

15 BY MS. DOUGHERTY:

16 Q. Yeah. Here's what I'm trying to learn. I'm
17 trying to learn if you know where Mr. Lehman got the
18 idea to refer to you as our child protection expert?

19 A. I'm much more comfortable with child protection
20 professional. I don't know whose word that was.

21 I do consider myself a subject matter
22 expert as that term is used as a term of art.

23 Q. Okay.

24 A. And again, Candi, that's through my lense.

1 Right. I'm not a psychologist, psychiatrist,
2 pediatrician. It's through my lense of the work that
3 I've done for the past 24 years in this space.

4 Q. Right. I understand. I'm just trying to learn
5 whether you used that term, child protection expert,
6 to refer to yourself. And it sounds like you use
7 child protection professional instead of child
8 protection expert; is that right?

9 A. I'm more comfortable with professional, yes.

10 Q. And in your area of practice or the industry
11 of -- let me just see -- institutional response, is
12 child protection professional or child protection
13 expert like a recognized term?

14 A. I don't -- you know, it's interesting. I don't
15 think there is another legal practice like our
16 practice. So it was a new and novel practice when it
17 was created. There are a lot of attorneys who work in
18 this space, who give legal advice, some come from
19 labored employment, some come from white collar.
20 Their practice as it was founded by Gina Smith was
21 specifically designed to be working to improve
22 institutional responses.

23 So you might find other counsel who do
24 external investigations, many of them do litigation.

1 We don't. You might find other counsel who do policy
2 review, do other aspects of it. But it's a part of
3 their broader portfolio. So the whole idea of the
4 institutional response group or institutional response
5 practice was something that Gina determined there was
6 a value and a service that she could provide and then
7 later I joined her. I think it was unique and
8 different than any other legal practice that I'm aware
9 of.

10 Q. You're talking about the institutional response
11 group that you're part of?

12 A. Yes.

13 Q. How about the term child protection expert or
14 child protection professional, is that something
15 that's used?

16 A. I don't know. I am not in the practice of
17 reviewing other firms communications or other schools
18 letters or matters that I am not involved with.

19 Q. Well, do you think that's a term that you or
20 Ms. Smith coined similar to the institutional response
21 group concept?

22 A. I don't recall the genesis of that term.

23 Q. You didn't have any objection to Mr. Lehman
24 referring to you as The Hill School's child

1 protection -- or one of The Hill School's child
2 protection experts, right?

3 A. I don't recall, I may have.

4 Q. Well, did you tell Mr. Lehman that you didn't
5 want The Hill School to refer to you as a child
6 protection expert?

7 A. Candi, I'm not saying that I had --

8 MR. FOX: Objection.

9 MR. JUBB: Objection to the form.

10 THE WITNESS: I'm not saying I had an
11 objection or I didn't have an objection. I am
12 saying I am generally more comfortable with the
13 term child protection professional. I don't
14 know if that was an issue that we discussed
15 here, did not discuss here, who wrote that
16 term. I also can't tell you if at that time,
17 in 2017, that was a term that I was more
18 comfortable with then than I am now. I can't
19 answer those questions from a 2020 look-back
20 perspective.

21 I can tell you that that term, as it's
22 written in the letter, is consistent with the
23 scope of our role as I understood it with the
24 school.

1 BY MS. DOUGHERTY:

2 Q. Does the term child protection expert or
3 professional mean that you will act in the best
4 interest of the complainant?

5 MR. FOX: Objection.

6 THE WITNESS: In the best interest in
7 protection of minors.

8 BY MS. DOUGHERTY:

9 Q. So you're making -- you mean a complainant that
10 is then a minor, correct, at the time of the
11 complaint?

12 A. And what I'm saying is I don't -- I'm not an
13 advocate for a complainant. I'm not an attorney for a
14 complainant. I'm not an attorney for a respondent.
15 In the context of the work that we're talking about,
16 I'm asked to either investigate a report itself as to
17 whether or not the report is credible and whatever
18 standard we apply. Sometimes I'm asked to evaluate
19 the institutional response to a report and I presume
20 the report is credible. And so it depends on the
21 nature and the scope of the engagement. But I am
22 not -- I will call it as I see it in what I'm asked to
23 do with an opinion as to credibility, which in some
24 instances may be aligned with the complainant's

1 interest and in some instances may not be aligned.

2 But my lense is always through a lense of what I know
3 about child abuse, about the dynamics and about
4 decisions that are consistent with advancing
5 protection of minors.

6 Q. Okay. Did you do anything to protect children
7 in connection with your investigation into historical
8 allegations of sexual abuse at The Hill School?

9 MR. FOX: Objection.

10 THE WITNESS: Yeah. So to the extent
11 that you're gathering information about
12 historical practices, you are assisting an
13 educational institution in offering apologies
14 acknowledging addressing past conduct. Those
15 individuals may now be adults. Then those are
16 elements that go to support and care for your
17 constituencies.

18 When we think about the lessons that we
19 learn from past practices, those lessons we now
20 incorporate moving forward into training and
21 education programming, into policies and
22 preventions, into the recognition that we today
23 in educational institutions are creating
24 systems that are tracking grooming behaviors,

1 for example. That wasn't something that was
2 done 10 years ago or 20 years ago.

3 So could I tell you specifically what
4 the exact outcome was here or all of the ways
5 in which this review helped to protect
6 children? I probably could go back and
7 evaluate that. If nothing else, sharing the
8 information publicly, creating a climate of
9 openness where we encourage people to talk
10 about it gives permission to me, to current day
11 students to say, this is an institution that
12 wants to hear about your experience give us
13 permission to report. And that ideal as
14 furthering the goal of protecting children.
15 We're educating. We're sharing information.
16 We're creating awareness. Those are all
17 elements that help to protect children in my
18 view.

19 BY MS. DOUGHERTY:

20 Q. Okay. So I'm just trying to understand the
21 child protective nature of the job. So can you just
22 tell me, what is the child protective nature of the
23 job that you do as a child protection professional or
24 expert?

1 MR. FOX: Objection.

2 MR. JUBB: Objection to the form.

3 THE WITNESS: So, Candi, part of the
4 reason that the practice was developed had to
5 do with primarily advice that colleges,
6 universities and schools were getting was in
7 the context of litigation or from insurance
8 defense counsel. And generally what we saw in
9 the work that we did was that that advice was
10 not always aligned with how you might respond
11 openly to an allegation that comes forward.
12 And helping to educate school administrators,
13 officials, outside school counsel, whoever it
14 may be about the nature and dynamics of abuse.
15 About why reporting delays are normal and
16 should not be something that we automatically
17 use to attack the credibility. Why changes or
18 inconsistencies that have helped over a period
19 of time. By the way that an individual
20 responds or doesn't respond.

21 In other words, our review was in the
22 work that we do, we help educational
23 institutions be informed, be able to gather
24 sensitive investigations to gather good

1 information that is informed by and guided by
2 an understanding of the dynamics of abuse and
3 of child abuse, as opposed to discounted and/or
4 dismissed because of misconceptions. We had
5 some biases out there.

6 So it's really about educating schools,
7 creating policies and procedures, creating
8 space for conversation, helping to teach about
9 grooming, helping to build our documentation
10 and response systems.

11 And I probably violated all the
12 depositions rules that they're supposed to
13 teach is because I don't remember your
14 question.

15 BY MS. DOUGHERTY:

16 Q. Okay. It was, what is the child protective
17 nature of your job as a child protection professional
18 or expert?

19 A. It's making decisions to gather and share
20 information that would help to create a climate, an
21 environment that would foster protection of minors to
22 create policies, procedures, educational programs that
23 would advance that.

24 Sometimes we meet with parents and we

1 share with parents information about how you talk to
2 minors. Sometimes we teach. I teach forensic
3 interviewing of minors to forensic interviewers, to
4 law enforcement officers, to city solicitors and to
5 assistant district attorneys. I teach how you
6 interview a minor. I've done trainings for police
7 departments. I've done trainings for judges. I've
8 done trainings in any number of contexts for colleges,
9 universities, K to 12 schools, summer camps about how
10 to prevent, identify, recognize, report child abuse.

11 Q. Okay. Am I understanding correctly that in
12 your view the child protective nature of your job is
13 basically educating the institution, as you said, to
14 prevent, identify and report child abuse so it's
15 prevented in the future; is that right?

16 MR. FOX: Object to the form.

17 THE WITNESS: All of those things plus
18 more. All of those things plus the prior
19 answer. For example, if there is an engagement
20 where there is an arrest of a current
21 employee --

22 BY MS. DOUGHERTY:

23 Q. Okay.

24 A. -- I may be brought in and my core function may

1 be help to gather any and all relevant documentation
2 and provide it to law enforcement, to facilitate the
3 sharing of information. There have been instances
4 where I have been present at interviews by law
5 enforcement and helped direct law enforcement to
6 information that existed within an educational
7 institution to assist in an active investigation. It
8 may be that we're looking to identify were other
9 minors harmed besides the particular minor who may
10 have come forward in that matter and connecting those
11 individuals making those reports to law enforcement.

12 So it may, in fact, be that we're
13 stopping teacher abuse by helping to get a perpetrator
14 reported to law enforcement or additional information.
15 It may be that we are helping to remedy prior abuse in
16 some way by allowing that individual to be connected
17 to resources, to counseling, to other aspects and to
18 connecting that individual even in some instances to
19 giving them a space to disclose and share information
20 with their family and other individuals.

21 That's different than this. Hill
22 School was not arrest of a current employee. But
23 those are sort of the broader range of work that we do
24 in this field.

1 Q. Was part of your engagement by The Hill School
2 in connection with the investigation of the historical
3 allegations of sexual abuse to provide complainants
4 with access to -- I forget the term that you used --
5 but counseling or connect them with information to
6 improve their mental health? Sort of the gist of what
7 I got.

8 A. Yeah, it may have been. I don't recall if
9 we -- I don't recall the nature of the engagement with
10 those complainants. I don't recall if we engaged with
11 complainants and I don't recall if we did without
12 going back to look at that piece of my file.

13 Q. Okay. So there is nothing that you recall that
14 you specifically did for a specific complainant in
15 connection with the investigation of historical
16 allegations of sexual abuse at The Hill School; is
17 that right?

18 A. I do not recall. It may well have been that we
19 provided advice to the school. It may well have been
20 in some instances at other schools that we advised the
21 school to offer supportive measures or counseling. I
22 don't have a specific recollection of that piece of
23 The Hill School.

24 Q. That's what I'm trying to confirm is that you

1 --

2 A. I don't recall.

3 Q. -- sitting here today, you don't recall one way
4 or the other whether you made a recommendation or did
5 something to benefit a specific complainant --

6 A. No.

7 Q. -- in connection with the Hill School -- the
8 investigation of The Hill School's historical
9 allegations of sexual abuse; is that right?

10 A. I don't recall. I do know that there is on
11 page two of that November 17, 2017 letter, there is a
12 reference about a recent account by an alumnae who
13 shared such an incident that occurred off campus in
14 the late 1990s when she was a student. Mr. Lehman
15 says, I knew they reached out to her and we have
16 carefully reviewed that situation as well. I don't
17 know what that outreach entailed or involved, if there
18 were other pieces that would have specifically
19 benefited, I think that was the phase you used, an
20 individual complainant. I just don't know in this
21 case.

22 Q. Is there a -- well, let me start again. Let's
23 just do it sticking with the investigation into the
24 historical allegations of sexual abuse at the Hill

1 School. Was there a division of labor between you and
2 Ms. Smith or did you both participate in all aspects
3 of the investigation? How was the division of labor
4 between you and Ms. Smith?

5 A. I don't recall.

6 Some we do together. Some we do
7 separately. Some we do different pieces of. I tend
8 to do drafting of communications and investigative
9 reports. She tends to be a more editing, although
10 drafting piece of that as well. I don't recall the
11 particular division.

12 Q. Did you provide any written recommendations to
13 The Hill School after your investigation into the
14 historical allegations of sexual abuse at The Hill
15 School?

16 A. I know that we did a written deliverable. I
17 don't recall if it included recommendations or not.
18 It may have.

19 Q. Do you know the date of the written
20 deliverable, I think you referred to it as?

21 A. I don't know.

22 Q. Before the November 20, 2017 letter?

23 A. My recollection would be yes.

24 Q. So you called it a written deliverable, but is

1 it like a report that includes recommendations and
2 evaluation, analysis, summary of information? Can you
3 explain to me what you mean by written deliverable?

4 A. Yeah. I don't -- so at any given time over the
5 course of our engagement with The Hill School, we
6 would have given lots of legal advice. Sometimes that
7 legal advice is in writing, sometimes it's not. I
8 think you're using the term recommendation in sort of
9 a broader sense of -- I'm interpreting your use of the
10 term recommendation in a broader sense of
11 recommendations for improvement to policies, practices
12 and procedures.

13 Q. Okay. Let me just clarify. And I have to
14 listen when you talk and not interrupt you, but I
15 might start waiving my hand to cut it down a little
16 bit?

17 A. No worries.

18 Q. So here's what I want to know. You performed,
19 you and your colleagues, first Pepper Hamilton and
20 them rolling into Cozen O'Connor, performed an
21 investigation over a year and a half of time into
22 historical allegations of sexual abuse at The Hill
23 school. I want to know if at the end of that you
24 initially completed the deliverables in the scope of

1 your retention relating to that investigation of
2 historical allegations of sexual abuse at The Hill
3 whether you prepared, you or Ms. Smith or someone
4 working on the matter, prepared like a written report
5 summarizing your findings or making any
6 recommendations anything like that?

7 A. Yes. I recall we prepared a written report
8 summarizing the findings of the investigation. I do
9 not recall if it included recommendations.

10 Q. Okay.

11 A. We also would have provided information orally
12 and/or in e-mail. And there likely would have been
13 recommendations of some format in an oral presentation
14 and/or e-mail correspondence or in just discussions.

15 Q. And again, for the moment, putting aside
16 Mr. Poulos' complaints, you are -- as I understand
17 your testimony, you are unable to tell me what, if
18 anything, you did in response to any other
19 complainants that may have come forward in response to
20 the November 20, 2017 letter that has been marked as
21 D33; is that right?

22 A. Without referring back to the file to be able
23 to give you regular detail, I don't have an
24 independent recollection as to the specific questions

1 that you have asked about individual complainants.

2 Q. Okay. Mr. Jubb asked you to confirm whether
3 you were aware of any complaints about Mr. Ralston
4 prior to Mr. Poulos's complaints. And you said that
5 you would have to go back and review records or you
6 did not go back and review records. Do you have a
7 reason to believe that there were other complaints
8 about Mr. Ralston prior to Mr. Poulos's complaints?

9 A. I do not. I believe that Mr. Garabedian's
10 letter in April of 2018 was the first awareness that I
11 had that there were -- that there was a report against
12 Mr. Ralston.

13 Q. Okay. So your point is that you can't say for
14 sure because you didn't go back and look at the
15 materials, but you don't recall sitting here today any
16 prior complaint against Mr. Ralston, right?

17 A. That's correct.

18 And further to that, Candi, in the
19 correspondence that I reviewed from April 2018
20 forward, there was no reference that I could identify
21 or locate that said prior complaint, other evidence.

22 Q. Okay.

23 A. So I'm fairly confident in that, but I just I
24 know the vagaries of human memory.

1 Q. I understand. I just wanted to make sure you
2 were trying to give us a precise answer as compared to
3 you had a reason to think that something exists --

4 A. No reason.

5 Q. -- so you didn't independently verify before
6 testifying, so you're just trying to be accurate,
7 correct?

8 A. That's correct.

9 Q. When did you receive the -- let me start again.
10 Do you know whether Mr. Poulos received
11 the November 20, 2017 letter from Mr. Lehman?

12 A. I don't know. I thought in -- I thought I had
13 seen in some correspondence somewhere a reference to
14 that was the reason that Mr. Poulos came forward was
15 in a response to the school's outreach. I don't know
16 when I saw that or why I have that recollection.

17 Q. Let me make sure I'm sharing the correct thing
18 and not pictures of my cat.

19 (Ms. Dougherty is sharing her screen.)

20 I'm showing you a document that was
21 previously marked as D1. I realize that they are some
22 e-mails at the top of the first page. I'm going to
23 direct your attention to the middle of the page. It
24 says, "Forwarded message from Headmaster Zachary

1 Lehman" and it's to Kurtis N. Poulos. And you can see
2 it's an e-mail that had the November 20, 2017 letter.

3 Have you never seen an e-mail from
4 Mr. Lehman to Mr. Poulos transmitting the
5 November 20, 2017 letter like what I'm showing you
6 now, which had been marked as part of D1?

7 A. So as I hear your question is, did I go back to
8 look at whether or not Mr. Lehman's letter had gone
9 specifically to Mr. Poulos? I did not.

10 I presume a letter went to all of the
11 Hill School alumni community for whom the school had
12 contact information for.

13 Q. Okay. So based on your recollection when you
14 became aware of Mr. Poulos as a complainant, the
15 school didn't say, here is the e-mail from Mr. Lehman
16 to Mr. Poulos on November 20, 2017 communicating about
17 historical allegations of sexual abuse at The Hill; is
18 that right?

19 A. Yeah. That's right. I presume that it went to
20 all alumni for whom they had e-mail correspondence
21 for.

22 Q. Okay. And if The Hill did give you an e-mail
23 like the one I have on the screen, unfortunately I
24 don't have it just as Mr. Lehman's e-mail, I have it

1 with -- as a forwarded message --

2 A. Right.

3 Q. -- but if The Hill School did provide to you or
4 another attorney participating in the representation
5 of the Hill School an e-mail by Mr. Lehman to Mr.
6 Poulos sending the historical allegations of sexual
7 abuse at The Hill letter, November 20, 2017 letter, we
8 it would find that in your file, right?

9 A. Yeah. And my recollection of the way that
10 those letters appear is -- are a forwarded copy, I
11 would not see the distribution list. Just as the
12 letter that Mr. Poulos received would be addressed to
13 him specifically, he wouldn't see all of the names of
14 all of the other alumni that it went to. So I'm not
15 sure that any copy that I -- in other words, I did not
16 receive a thousand or 3,000 or 5,000 individually
17 addressed letters. I would have been forwarded a copy
18 of here is the communication that we sent out.

19 Q. Okay. And anything that you received from The
20 Hill School reflecting the communication that was sent
21 out, we could find that in your file, right?

22 A. Say that again. I'm sorry. I was looking to
23 see if I actually had that communication.

24 Q. Sure. Sure.

1 I'm just trying to -- I realize you
2 didn't commit to memory every single piece of paper
3 you received from The Hill School. So I'm just trying
4 to confirm that whatever form you received a copy of
5 the November 20, 2017 letter, if you got it in letter
6 form, if you got it in e-mail, if somebody forwarded
7 you an e-mail, that we'd find that in your file,
8 correct?

9 A. You should, yes. If it was appropriately saved
10 and -- you should find that.

11 Q. When did you first receive the April 11, 2018
12 letter from Mr. Garabedian to Mr. Lehman?

13 A. Independently I don't know, but I would assume
14 it would have been relatively quickly.

15 Q. Do you know from whom you received the
16 April 11, 2018 letter?

17 A. Probably from Mr. Lehman.

18 Q. Did The Hill School engage you to perform any
19 investigation into the allegations by Mr. Poulos
20 contained in the April 11, 2018 letter?

21 A. Yes. The Hill School asked us to review the
22 information consistent with our practice with them
23 whenever any report came in.

24 Q. So there is not a separate retention agreement

1 between, I guess, the time would be Cozen O'Connor and
2 The Hill School relating specifically to an
3 investigation into the claims by Mr. Poulos against
4 Mr. Ralston; is that right?

5 A. That's correct.

6 Q. Is there a reason why you did not interview
7 Mr. Ralston?

8 A. None that I can recall. If there was a reason
9 I can't recall it.

10 Q. Well, I think you told us that as part of your
11 standard procedure, you interview the complainant and
12 respondent if they're willing to speak to you; is that
13 right?

14 A. That's right.

15 Q. So why didn't you -- let me start again.

16 Did you try to interview Mr. Ralston
17 and did he refuse?

18 A. No. I don't -- I did not have any direct
19 contact with Mr. Ralston.

20 Q. Why didn't you interview Mr. Ralston consistent
21 with your standard procedure?

22 A. I don't recall.

23 MR. JUBB: I'll object to the form.

24 THE WITNESS: I don't recall what the

1 decision making process was or was not. My
2 recollection of the timing was that we were
3 evaluating what additional information to
4 gather, continuing to make outreach to
5 Mr. Garabedian to interview Mr. Poulos.
6 Ethically, I could not contact Mr. Poulos
7 directly, nor could Mr. Rees contact him
8 directly given that he was, as far as we knew,
9 represented by counsel who had contacted the
10 School and corresponded with the School and
11 spoke with Mr. Rees multiple times.

12 BY MS. DOUGHERTY:

13 Q. Okay. And I'm asking about Mr. Ralston though?

14 A. I understand that.

15 Q. But I'm going to cut you off because you're
16 going far afield my question.

17 I'm just trying to learn whey Mr.
18 Ralston wasn't interviewed consistent with your
19 standard operating procedure to interview respondents?

20 A. Because at the time we were still seeking to
21 meet with and speak people with Mr. Poulos. That was
22 part of our process that was happening. We did not
23 engage or speak with Mr. Ralston prior to his filing
24 of the litigation in this matter.

1 Q. Were you interested to know -- let me start
2 again.

3 Did you learn Mr. Ralston's response to
4 the claims by Mr. Poulos?

5 A. I did.

6 Q. How did you learn Mr. Ralston's response to the
7 claims by Mr. Poulos?

8 A. Through communications with the school.

9 Q. When did you learn Mr. Ralston's position about
10 the claims by Mr. Poulos?

11 A. At various times during the course of the
12 engagement.

13 Q. Well, you mean after April 11, 2018, correct?

14 A. After April 11, 2018 it was my understanding
15 that at some point Mr. Ralston was informed of the
16 complaint and that Mr. Ralston spoke with one or more
17 individuals at the School or affiliated with the
18 School. I did not speak with Mr. Ralston. I have
19 never met Mr. Ralston.

20 Q. What did you learn about Mr. Ralston's response
21 or position regarding Mr. Poulos's complaint or
22 claims?

23 MR. FOX: Object. To the extent it
24 contains attorney/client privileged

1 information. If you can give nonprivileged
2 information, Leslie, that's fine.

3 THE WITNESS: I don't know where the
4 line is, but I don't think it steps into
5 privilege to say that he denied committing
6 abuse.

7 BY MS. DOUGHERTY:

8 Q. Do you know who -- you said it was your
9 understanding that Mr. Ralston spoke with one or more
10 people affiliated with the School. Do you know who
11 those people were?

12 A. I do not. I don't know if that steps into
13 privilege or not.

14 Q. I'm sorry. I'm just asking about the identity
15 of the people that Mr. Ralston spoke to regarding the
16 claims by Mr. Poulos or complaints by Mr. Poulos?

17 A. Again, I'm asking for direction from counsel.
18 I do know. I don't know if that steps into privilege
19 or not.

20 MR. JUBB: And you're asking, Candi,
21 you're asking?

22 MS. DOUGHERTY: I want to know the
23 identities of the people that Mr. Ralston spoke
24 with.

1 MR. FOX: (INAUDIBLE)

2 MS. DOUGHERTY: Right. She wasn't
3 specific. I used affiliated. It wasn't her
4 word. But she said Mr. Ralston spoke to some
5 people and communicated his position. I just
6 want to know who they are.

7 MR. FOX: Go ahead, Leslie.

8 THE WITNESS: It's my understanding
9 that Mr. Ralston spoke with Zach Lehman and
10 that Mr. Ralston spoke with Tom Rees.

11 BY MS. DOUGHERTY:

12 Q. I just want to make sure, and I'm not trying --
13 if you've already answered this I apologize. I don't
14 remember your answer.

15 Did you ever ask to interview
16 Mr. Ralston?

17 A. At the time that we were preparing to do that,
18 we were still seeking to interview Mr. Poulos, which I
19 viewed as a critical element in being able to fully
20 understand the allegations and the information that
21 was brought to light so that I had context for the
22 information that I would then interview a respondent.
23 It would be unusual to interview a respondent before
24 you interview a complainant.

Leslie M. Gomez, Esquire

1 Q. So even though Mr. Poulos was not making
2 himself available for an interview, you still did not
3 decide to interview Mr. Ralston?

4 A. That's correct.

5 Q. So as far as you're concerned because you
6 couldn't interview the complainant, that was the end
7 of it?

8 MR. FOX: Objection.

9 MR. JUBB: (Laughing)

10 MS. DOUGHERTY: I'm just trying to
11 understand. I'm sorry.

12 THE WITNESS: Candi --

13 MR. JUBB: It's just (INAUDIBLE) your
14 question.

15 THE WITNESS: -- in evaluating the
16 credibility of a report of child sexual abuse,
17 sexual assault, sexual harassment I need to
18 understand the full context of what occurred.
19 I need to understand the details, any interest,
20 motive or bio, the demeanor of the individual,
21 what corroboration may exist before I can make
22 a determination as to whether or not an
23 allegation is deemed to be credible, I have to
24 access to that information.

1 My goal in April of 2018 and my goal
2 remains today to be open to hearing that
3 information, to gather information. And even
4 if, as a hypothetical, I spoke to Mr. Ralston
5 and he denied the abuse, that would not get me
6 any further down my path of evaluating whether
7 or not the information was credible without the
8 opportunity to explore those issues from
9 Mr. Poulos or any or information that he, his
10 family other information could provide.

11 MR. POULOS: May I make a statement?

12 MS. DOUGHERTY: If you have an
13 objection --

14 MR. JUBB: Why don't you wait for your
15 turn to question.

16 MR. POULOS: Then, Lane, stop laughing,
17 looking at your phone. If you're going to take
18 this seriously, take it seriously otherwise --

19 MR. JUBB: Mr. Poulos, the only thing
20 that's not serious is you. Why don't you let
21 Ms. Dougherty finish her question and if you
22 have a statement or question or you just want
23 to read anything, you can do that when it's
24 your time. Okay?

1 MS. DOUGHERTY: Mr. Jubb, you don't
2 need to be rude to Mr. Poulos. I had the same
3 reaction, because I didn't think it's funny
4 when I asked questions about why the person
5 accused of child sexual abuse wasn't
6 interviewed. I didn't think that was a funny
7 question especially because your client
8 complained --

9 MR. JUBB: I thought that the fact that
10 you asked it that way was comical. Because
11 it's so inappropriate that I can't even keep a
12 straight face the way you asked that question
13 --

14 MS. DOUGHERTY: Oh, really --

15 MR. POULOS: None of this --

16 MR. JUBB: None of these things --

17 MR. POULOS: None of this is comical.

18 MS. DOUGHERTY: That's the point.

19 Nothing about Mr. Poulos' allegation is funny,
20 so let's just...

21 MR. FOX: Can we please proceed.

22 Leslie has got commitments later in the
23 afternoon, so.

24 MS. DOUGHERTY: I understand that, but

1 I think I've been asking pretty specific
2 questions and getting a lot of information I
3 didn't ask for, so. It's great contextual
4 information, so that's fine.

5 MR. FOX: I'm not complaining.

6 MS. DOUGHERTY: I understand. I had
7 hoped to be done already. But anyway.

8 BY MS. DOUGHERTY:

9 Q. So you received the April 11, 2018 letter and
10 you were asked to investigate; is that right?

11 A. That's right.

12 Q. And what did you do to investigate in response
13 to the April 11, 2018 letter?

14 A. Mr. Rees contacted Mr. Garabedian to ask for
15 additional information and the opportunity to
16 interview Mr. Poulos. We reviewed that educational
17 file and records that were available as it relates to
18 Mr. Poulos. We reviewed Mr. Ralston's file. We
19 reviewed other information that was available after we
20 got the December 6 -- the December 26, 2018 letter
21 that would look to class schedule.

22 Q. But for right now I'm just asking about the
23 April 11, 2018 letter. Right. So --

24 A. We reviewed the available files and we sought

1 to speak to Mr. Poulos.

2 Q. Did you -- again, I'm just asking in reaction
3 to the April 11, 2018 letter. I'll ask about the
4 other one next. But in reaction to the April 11, 2018
5 letter, did you perform any interviews of people
6 affiliated with the school, current or former
7 students, anything like that?

8 A. I did not at that time, no.

9 Q. Did you have any conclusions regarding -- well
10 let me start again.

11 At the time you received the April 11,
12 2018 letter did you have an understanding about
13 whether Mr. Ralston was still employed at the Hill
14 School.

15 A. I understood that he was an employee in a
16 limited context with The Hill School.

17 Q. I think you said earlier that you came to the
18 conclusion that Mr. Ralston posed a risk to students
19 on campus; is that right?

20 MR. FOX: Objection.

21 THE WITNESS: I don't think that was
22 exactly how I responded to that. But certainly
23 an allegation involving sexual abuse of a minor
24 is something that always makes me ask the

1 question of does that individual pose a risk to
2 minors on campus.

3 BY MS. DOUGHERTY:

4 Q. Okay. So you didn't actually conclude that
5 Mr. Ralston posed a risk to the students at The Hill
6 School campus; is that right?

7 A. I have not made any conclusion in this matter
8 except that I am open to investigating.

9 Q. Okay. Because this is why the question does
10 make sense. Because it seemed odd to me that you came
11 to a conclusion about Mr. Ralston without even
12 speaking to him. So I guess I wrote the question down
13 wrong.

14 So you did not come to the conclusion
15 that Mr. Ralston posed a risk to students on The Hill
16 School campus?

17 MR. FOX: Object to the form.

18 MR. JUBB: I'm object to the form.

19 THE WITNESS: I did not make a
20 conclusion as to whether or not the allegation
21 by Mr. Poulos was founded or not founded. I
22 have no basis to make that determination. And
23 I have no basis to determine whether or not
24 Mr. Ralston engaged in conduct that posed a

1 risk or did not pose a risk. From a
2 conservative approach when there is an
3 allegation, the appropriate evaluation is to
4 evaluate what information do we have. Is there
5 a risk to minors? And if there is or is not,
6 is there a risk the institution is willing to
7 take?

8 BY MS. DOUGHERTY:

9 Q. Did you evaluate whether. Mr. Ralston provided
10 a risk to minors when you -- at any time after you
11 received the April 11, 2018 letter?

12 A. I operate --

13 MR. JUBB: Objection to the form.

14 MR. FOX: Objection.

15 THE WITNESS: -- on the framework that
16 an allegation is true. And my advice in that
17 context, is to give a school advice as if the
18 allegation is true to be most protective of
19 minors and of the institution's program.

20 BY MR. JUBB:

21 Q. So your advice to The Hill School was to treat
22 Mr. Poulos's complaint claims as true?

23 MR. FOX: Objection. We're not going
24 to get into privileged information.

1 MS. DOUGHERTY: Well, she's the one who
2 answered that she advised the school that
3 Ralston shouldn't have access to the school
4 grounds and came to the conclusion that he
5 posed a risk to students on campus. So I mean
6 maybe she shouldn't have answered those
7 questions --

8 MR. FOX: No, that's not.

9 MS. DOUGHERTY: I wrote them down
10 because I'm surprised that she would say that
11 without even speaking to him.

12 MR. FOX: That's not what she said.

13 MR. POULOS: How was is that privileged
14 information?

15 MR. FOX: Her advice to her client is
16 privileged.

17 MR. POULOS: So she's his attorney?

18 MR. FOX: I don't understand.

19 MS. DOUGHERTY: Well, Mr. Fox is
20 referring to The Hill School, Mr. Poulos.

21 MR. POULOS: So she's The Hill School
22 attorney. But whatever information that we
23 could glean from Matthew Ralston is privileged,
24 if she's not his attorney?

1 MR. FOX: That's right. All I'm
2 saying, Kurt, is whatever advice or information
3 Leslie gave to her client, The Hill School is
4 privileged.

5 MR. POULOS: You didn't answer my
6 question.

7 MR. FOX: Well, I don't -- I'm not sure
8 that I have to answer questions, but I think
9 that's what everybody was asking and that's
10 just the nature of the privilege here.

11 MR. POULOS: So then I want on the
12 record that you refuse to answer that question.

13 MR. FOX: Yeah, I don't answer
14 questions. I'm not here to --

15 MR. POULOS: I'm not saying -- I'm
16 saying that Leslie Gomez refused to answer the
17 question and I want it on the record.

18 MR. FOX: Right. Now, I directed the
19 witness not to answer.

20 MR. POULOS: No, I respect that you did
21 that. I want it on the record.

22 MR. FOX: It's on the record.

23 MS. DOUGHERTY: Well, she can choose to
24 ignore your advice and answer anyway.

1 THE WITNESS: Candi, can you repeat the
2 question because I've lost the.

3 MS. DOUGHERTY: Sure. I mean,
4 Mr. Poulos has a point there.

5 THE WITNESS: And what is the question?

6 BY MS. DOUGHERTY:

7 Q. The question was whether you advised The Hill
8 School to treat the complaints by Mr. Poulos as true.
9 And I said at any time after you received the April
10 11, 2018 letter.

11 MR. FOX: Objection, the same
12 instruction.

13 THE WITNESS: I am not ethically
14 permitted to share what my legal advise to a
15 client is or is not. Why I am sharing with you
16 is my general approach is I would have no
17 reason to disbelieve a complaint that comes
18 forward that in my role with the goal of
19 protection of minors that I will presume that
20 the complaint that came forward is credible and
21 evaluate what the appropriate course of action
22 would be through the lense of the most
23 conservative approach of protecting minors.

24

1 BY MS. DOUGHERTY:

2 Q. And did you advise The Hill School consistent
3 with your standard practice?

4 MR. FOX: Objection. Same instruction.

5 THE WITNESS: I cannot ethically share
6 what my legal advice is or was.

7 BY MS. DOUGHERTY:

8 Q. Okay. Well, you suggest that you gave legal
9 advice and then won't let me probe whether you
10 actually gave that advice or not.

11 MR. FOX: That's correct.

12 BY MS. DOUGHERTY:

13 Q. So are you withdrawing your testimony
14 suggesting that you advised the school --

15 MR. JUBB: Objection to the form.

16 MR. FOX: Objection to the form.

17 MS. DOUGHERTY: Please don't interrupt
18 me.

19 BY MS. DOUGHERTY:

20 Q. So you are not withdrawing your testimony
21 suggesting that you advised The Hill School to treat
22 Mr. Poulos's complaints as true?

23 MR. FOX: Objection. That's not what
24 her testimony was. She testified about her

1 normal practice, not what -- and I disagree
2 that she was suggesting anything, she was
3 testifying about what her normal practice would
4 be. Right? Did you write that down?

5 THE WITNESS: The record can stand for
6 itself.

7 BY MS. DOUGHERTY:

8 Q. Did you provide advice to the Hill School
9 regarding whether Mr. Ralston should have access to
10 the school grounds at any time after you received the
11 April 11, 2018 letter?

12 MR. FOX: Objection.

13 THE WITNESS: I cannot ethically
14 provide information about legal advice.

15 BY MS. DOUGHERTY:

16 Q. Did you reach a conclusion as to whether the
17 school should permanent Mr. Ralston access to the
18 school grounds, or The Hill School campus I think it's
19 called, at any time after you received the April 11,
20 2018 letter? And it's a yes or no.

21 MR. FOX: Objection. Same instruction.

22 MS. DOUGHERTY: I'm asking whether she
23 formed a conclusion. I'm not asking for the
24 advice. I specific said yes or no because she

1 doesn't answer yes or no questions yes or no.
2 I just want to know if she formed a conclusion.
3 I'll ask -- if she says yes, I'll ask what it
4 was and then it's appropriate to object. I
5 just want to know if she formed one.

6 MR. FOX: You know what, even that in
7 my view is privileged.

8 MR. POULOS: What is the form of your
9 objection? What form is your objection?

10 MR. FOX: Attorney/client privilege.

11 MS. DOUGHERTY: Mr. Poulos, just so you
12 know, you're pretty close to the speaker, I
13 think, on your computer so it sort of sounds
14 like you're shouting, which I don't think is
15 your intention.

16 BY MS. DOUGHERTY:

17 Q. Okay. So Ms. Gomez won't tell me whether she
18 reached a conclusion regarding whether Mr. Ralston
19 should have access to the School grounds at any time
20 after she received the April 11, 2018 letter; is that
21 right?

22 MR. JUBB: Objection to the form.

23 MR. FOX: Objection.

24 THE WITNESS: That's right.

1 BY MS. DOUGHERTY:

2 Q. And then Ms. Gomez, you're going to follow your
3 lawyers instruction and not answer whether you reached
4 a conclusion?

5 MR. JUBB: Objection.

6 THE WITNESS: Candi, I've shared with
7 you the information that I am ethically
8 permitted to share in this context.

9 BY MS. DOUGHERTY:

10 Q. Did you make a recommendation to The Hill
11 School about whether Mr. Ralston should be permitted
12 access to the School grounds, yes or no?

13 MR. FOX: Objection. Same instruction.

14 MR. POULOS: On what grounds?

15 MR. FOX: Attorney/client privilege.

16 MR. POULOS: So is Mr. Ralston her
17 client or The Hill School her client?

18 MR. FOX: The Hill School. You know,
19 if The Hill School grants permission to
20 Ms. Gomez to testify about these questions, she
21 will testify about them. She has a client who
22 has not waived the privilege. She cannot waive
23 the privilege. And it's as simple as that.

24 MS. DOUGHERTY: I think you're jumping

1 the gun on the instruction. Because if the
2 answer is no, then there wasn't a communication
3 to be protected. If the answer is yes, then my
4 next question will be, what is it. And if it's
5 in a communication that's only made to her
6 client then, that would be an appropriate time
7 to assert privilege. I was specific because
8 the witness doesn't always answer yes or no.
9 But I asked my question that way for a reason,
10 because if the answer is no that she never did
11 that, then we have nothing to fight about.

12 MR. FOX: I fully understand, Candi,
13 what your position is. I'm disagreeing with it
14 respectfully. I'm saying even that testimony
15 about whether she formed a conclusion or did or
16 did not is protected. We may disagree about
17 that, but that's my position.

18 MS. DOUGHERTY: Even though when
19 Mr. Jubb asked Ms. Gomez did she come to a
20 conclusion that Mr. Ralston posed a risk to
21 students on campus and she answered that
22 question. I wrote it down.

23 MR. FOX: I don't recall the testimony
24 being that way. If it is, that was an improper

1 question. I don't recall that being asked.

2 The record will speak for itself.

3 MS. DOUGHERTY: Okay. Well, then I
4 will have Ms. Gomez back to answer the
5 questions. That's the only reason why I'm
6 asking followup questions.

7 BY MS. DOUGHERTY:

8 Q. Okay. We were talking about what you did in
9 response to the April 11, 2018 letter Ms. Gomez. And
10 I think you identified that you looked at Mr. Poulos's
11 student file, whatever it's called, Mr. Ralston's
12 personnel file, you, through Mr. Rees asked to
13 interview Mr. Poulos. Was there anything that you
14 did, again, just in response to the April 11, 2018
15 letter to investigate Mr. Poulos's claims?

16 A. Not in response to the April 2018 letter.

17 Q. And now turning our attention to the
18 December 26, 2018 letter. You received the
19 December 26, 2018 letter --

20 A. Yes.

21 Q. -- from Mr. Garabedian to Mr. Rees; is that
22 right?

23 A. Yes.

24 Q. From whom did you receive the December 26, 2018

1 letter?

2 A. I don't recall. Likely from Mr. Rees if that's
3 who it was sent to. I may have been copied on it
4 directly, I just don't recall that.

5 (Reviewing document.)

6 I believe from Mr. Rees.

7 Q. Are you looking at something that refreshed
8 your recollection?

9 A. Yes.

10 Q. I just see your touching your glasses.

11 Okay. So what are you looking at
12 that --

13 A. I've just started wearing glasses. That's mean
14 though.

15 Q. That was my hint though, you adjusting them.

16 So what were you looking at that
17 refreshed your recollection that you received the
18 December 26, 2018 letter from Mr. Garabedian to
19 Mr. Rees from Mr. Rees?

20 A. The communication from Mr. Rees forwarding
21 Mr. Garabedian's letter.

22 MR. FOX: Object to the extent that
23 that's that privileged. That wasn't clear
24 until the answer.

1 THE WITNESS: I was just looking for
2 the date.

3 MR. FOX: Yeah.

4 BY MS. DOUGHERTY:

5 Q. When did you receive the December 26, 2018
6 letter from Mr. Garabedian to Mr. Rees?

7 A. December 26th.

8 Q. Okay. Did you do anything in response to the
9 December 26, 2018 letter from Mr. Garabedian to
10 Mr. Rees when you received the letter?

11 A. Based on the information provided in the letter
12 there were additional facts that could be explored
13 through school documentation.

14 Q. Okay. What were those additional facts -- well
15 let me start again.

16 Did you explore school records to
17 evaluate the additional facts --

18 A. Yes.

19 Q. -- contained in the December 26, 2018 letter?

20 A. Yes. With and through the School we explored
21 additional records that may exist to show, for
22 example, whether or not Mr. Ralston was a mathematics
23 teacher and a cross-country coach, whether or not
24 Mr. Ralston lived in the dormitory at that time,

1 whether or not Mr. Ralston was Mr. Poulos's geometry
2 teacher. I'm just literally looking through the
3 letter to tell you the things that he corroborated.
4 Whether or not classes were held at a routine schedule
5 at that time. Whether or not that class was held at
6 the end of the day. Anything that you could look at
7 from records to seek to corroborate the information in
8 the letter.

9 Q. Okay. Just so we're clear because we have a
10 record here, because I see you're reading from it.
11 But I've put up on the screen now the December 26,
12 2018 letter that's been previously parked as D4. It's
13 two pages. I just wanted to make sure what you were
14 reading from when you were answering your prior
15 question is, we're talking about the same letter, D4,
16 right?

17 A. Yes.

18 Q. And so you were looking at the additional facts
19 regarding Mr. Poulos's, I guess, interactions and the
20 details of Mr. Poulos's interactions with Mr. Ralston
21 to confirm whether they could be corroborated; is that
22 right?

23 A. That's correct.

24 Q. Were you able to corroborate the facts, the

1 additional facts that you learned as a result of the
2 December 26, 2018 letter that's been marked as D4?

3 MR. FOX: Objection to the form.

4 THE WITNESS: Some of them, yes.

5 BY MS. DOUGHERTY:

6 Q. What additional records did you review after
7 you received the December -- December 26, 2018 letter?

8 A. Additional records that were available within
9 the School that would speak to the questions that were
10 raised. I don't even know what to call the different
11 pieces of records, a daily class schedule, yearbook
12 photo, information as to what sports Mr. Ralston was
13 assigned to at that time. A variety of records that
14 might speak to trying to understand the nature and the
15 scope of Mr. Ralston's role and what interactions he
16 may have had with Mr. Poulos at that time.

17 Q. Did you go to the School to review these
18 additional records? Were you given copies of
19 additional records? How did that work?

20 A. I received copies of additional records.

21 Q. And do you still have the copies of additional
22 records that you received and reviewed in response to
23 the December 26, 2018 letter?

24 A. Yes.

1 Q. Are you looking at them now or are you --
2 because I see you're looking at something, so. We
3 have to make sure that if you're using an aid to
4 answer my question that you tell me what it is.

5 A. Yes. The documents that I'm looking at are my
6 privileged correspondence with the School and then the
7 document that were accompanying that e-mail
8 correspondence, all of which is in the binder that has
9 been asked that Mr. Fox preserve at the -- going
10 forward.

11 Q. Okay. So do those communications identify the
12 additional records that the School provided and you
13 reviewed?

14 A. Yes.

15 Q. Can you tell -- again, I'm just asking for the
16 name of the record. Right. If you can tell me the
17 additional records that you reviewed in response to
18 the December 26, 2018 letter, based on you now looking
19 at your communications that have refreshed your
20 recollection or you want to read from them, I don't
21 care. But just tell me the documents.

22 A. I'm happy to. I don't know that I can describe
23 each of them accurately. I might suggest that that
24 would be part of what Mr. Fox provides when he

1 provides whatever he's willing to provide in response
2 to your request.

3 Q. I understand.

4 Can I just ask a point of
5 clarification.

6 A. Yes.

7 Q. So you have the e-mail that records were
8 attached --

9 A. Yes.

10 Q. -- and so you have the records? Okay.

11 A. Yes.

12 Q. So I think we would agree that those records
13 are not privileged, so they can be part of the
14 materials that Mr. Fox provides. I thought perhaps
15 you had a list describing them.

16 I understand now. Thank you.

17 Is there anything else that you did in
18 response to the December 26, 2018 letter, other than
19 request and review the additional records?

20 A. Continue, through Mr. Rees, to request the
21 opportunity to speak with Mr. Poulos in
22 Mr. Garabedian's presence and volunteer to come to
23 Boston to meet with him in person in Mr. Garabedian's
24 office. I believe there were four separate letters

1 after that fact, if I've looked at that correctly.

2 Q. Okay. Anything else that you did in response
3 to the December 26, 2018 letter, other than review the
4 additional records or request to review the additional
5 records, renew your request to interview Mr. Poulos,
6 anything else?

7 A. No. At that point we contemplated moving
8 forward with the interview of Mr. Ralston. And then I
9 believe my recollection is the next step was
10 Mr. Ralston indicating or filing his complaint. At
11 which point I took no further investigative step or
12 any further efforts to investigate.

13 Q. Okay. So it was your intention after receiving
14 the December 26, 2018 letter to interview Mr. Ralston
15 but you never got to it because he commenced his
16 lawsuit and then your investigation ceased; is that
17 right?

18 A. That's correct.

19 MR. JUBB: Objection to the form.

20 BY MS. DOUGHERTY:

21 Q. Was there a reason why your investigation into
22 Mr. Poulos's claims ended when Mr. Ralston filed his
23 lawsuit?

24 A. I can't speak to that.

1 Q. So you don't know whether there was a reason
2 that your investigation ended when Mr. Ralston
3 commenced his lawsuit or it's something you think you
4 can't answer?

5 A. No. I'm saying I don't have a specific
6 recollection.

7 Q. Okay.

8 A. My intent was, I know I've said this, I remain
9 very open to investigating. I remain very open to
10 hearing from Mr. Poulos. I hold no inference in any
11 way about why between April 2018 and present day that
12 interview did not occur. I remain very open to
13 investigating the allegations.

14 Q. Thanks. I was just trying to confirm that your
15 answer was you don't know as compared to you can't
16 answer on the basis of privilege. So you just don't
17 know --

18 A. I don't recollect the specific.

19 Q. Did you -- okay. So I just want to make sure
20 we covered it all. Requesting and reviewing
21 additional records, renewing a request interview
22 Mr. Poulos. I guess preparing to interview
23 Mr. Ralston. Anything else that you did in response
24 to the December 26, 2018 letter?

1 A. Nothing that I recall today.

2 Q. So as far as you're concerned, your
3 investigation into the claims by Mr. Poulos ended when
4 Mr. Ralston commenced his lawsuit?

5 A. Yes.

6 MR. JUBB: Objection to form.

7 MR. FOX: Object to the form.

8 BY MS. DOUGHERTY:

9 Q. Do you know Mr. Ralston's current employment
10 status with The Hill School?

11 A. I may have. I don't know that I know that at
12 this moment. I may have known that in the past. I
13 don't believe he's still an employee, but I don't know
14 what I base that on.

15 Q. Okay. Do you know whether Mr. Ralston is still
16 employed by The Hill School?

17 A. I, as I stand here today, I do not know. I
18 know my last recollection is that at some point he was
19 placed on leave. And I don't have updated information
20 as to what the status of that was.

21 Q. Did you participate in the decision to place
22 Mr. Ralston on leave?

23 A. I cannot ethically answer that question based
24 on privilege.

1 Q. Do you know the reason why Mr. Ralston was
2 placed on leave, yes or no?

3 A. No.

4 MR. FOX: Objection.

5 BY MS. DOUGHERTY:

6 Q. Did you provide The Hill School with a
7 recommendation about whether Mr. Ralston should be
8 placed on leave?

9 MR. FOX: Objection.

10 THE WITNESS: I cannot ethically answer
11 that question.

12 BY MS. DOUGHERTY:

13 Q. Did you provide any recommendation or advice to
14 The Hill School regarding whether Mr. Ralston's
15 employment could be continued or should be terminated?

16 MR. FOX: Objection.

17 THE WITNESS: I did not.

18 BY MS. DOUGHERTY:

19 Q. What was your objective in interviewing
20 Mr. Poulos?

21 MR. JUBB: Objection to form; asked and
22 answered.

23 THE WITNESS: I'm sorry. I didn't hear
24 that.

1 MR. JUBB: I just objected to the form
2 since we've already been over that.

3 THE WITNESS: My objective in
4 evaluating and interviewing Mr. Poulos was to
5 fully understand the allegations, to gather
6 information that would allow me to investigate.
7 Corroborate, evaluate and assess the
8 information that was brought to light.

9 BY MS. DOUGHERTY:

10 Q. What information did you think you needed from
11 Mr. Poulos that was not included in the
12 December 26, 2018 letter for -- by way of example?

13 A. There is a whole host of information that would
14 be relevant and helpful to assessing and understanding
15 the credibility of the allegations.

16 Q. Okay. Well, what information did you hope to
17 obtain from Mr. Poulos in addition to the content of
18 the two letters or things that Mr. Rees shared with
19 you, because I think you said he shared his
20 communications with Mr. Garabedian with you,
21 what additional information did you hope to learn or
22 learn from Mr. Poulos by interviewing him, other than
23 information available in the letters and what Mr. Rees
24 may have shared with you?

1 A. So, Candi, I can't answer that
2 question succinctly. I would want to understand the
3 context of the Mr. Poulos's relationship with
4 Mr. Ralston. I would want to understand where he
5 lived, what his coping mechanisms were, who his
6 friends were. I would want to understand how the
7 abuse occurred, in what setting, what was the
8 grooming, if any, mechanisms that were in place, what
9 may have been said by Mr. Ralston, could there be
10 other witnesses, did anybody else observe, who may
11 Mr. Poulos have told or not told contemporaneously,
12 did he document in a journal, did he experience any
13 immediate effects, did he not go to class, was his
14 leaving school his fifth form year connected to how he
15 felt about this abuse, how did -- when did the abuse
16 occur, in what context, what were the dispositions
17 that were involved, was there a potential that there
18 was any forensic evidence, was there any injury.

19 I'm respectful that you prefer short
20 answers. And I'm really -- please know I am not
21 trying to be -- I am not adversarial to you, to
22 Mr. Poulos, to Mr. Jubb or to Mr. Ralston. I have a
23 role as an investigator to gather the facts. I sought
24 to do that --

1 Q. Well, you warned me. You told me it was an
2 open-ended question. You said that it had a long
3 answer. The length of your answer should be a
4 truthful answer. I wasn't trying to be critical of
5 you.

6 A. And that's a -- I don't know what I don't know
7 about what Mr. Poulos may have shared with me that
8 would allow me to identify the information.
9 Mr. Poulos may share with me I'm aware of other
10 students, somebody else that this happened to. That
11 information in and of itself, that interview is such a
12 critical part of us understanding the context of
13 what's reported to have occurred.

14 Q. Is there a reason that, I guess you would have
15 done it through Mr. Rees, but I guess you could have
16 done it directly too, that no request -- I'll call it
17 request for additional information was made of
18 Mr. Garabedian? Obviously, Mr. Poulos wasn't coming
19 for an interview, did anybody -- is there a reason why
20 you didn't send a letter or have Mr. Rees send a
21 letter saying I need to know some of this additional
22 information?

23 A. Yeah. I just as the practice, I don't do an
24 investigation through a Q and A format. I don't know

1 the reason why Mr. Garabedian did not reply. I don't
2 know the reason why there were extensive delays in
3 response from Mr. Garabedian to the School. I mean,
4 we -- he contacted the School April 2018. The School
5 responded very shortly. And then we didn't hear again
6 from Mr. Garabedian until September of 2018.

7 There were multiple opportunities that
8 we extend an invitation to meet with, to speak with.
9 I can surmise a whole host of reasons why Mr.
10 Garabedian may not respond. But my job as an
11 investigator is not to surmise. There is later
12 information that I received, vis-a-vie a letter from
13 Mr. Poulos's mother, with respect to whether or not
14 Mr. Poulos was aware or not aware of Mr. Garabedian's
15 communications. But I don't know what the reason was.
16 And from my perspective there are very few good
17 substitutes for actually taking the time to meet with
18 an individual to understand their experience and to be
19 able to evaluate in that context whether or not there
20 is sufficient information to establish the credibility
21 of the report.

22 Q. Okay. So you didn't think that I think you
23 referred to it as Q and A. You didn't think that you
24 can provide written questions and receive written

1 answers, you needed to speak to Mr. Poulos in person
2 to evaluate his credibility; is that correct?

3 A. In person, by Zoom, I don't think we were in a
4 Zoom world at that point, but, yes, by telephone.
5 There's -- that's a, to me, a very critical piece of
6 being able to conduct an investigation is the
7 interview.

8 Q. Were you provided -- let me start again.

9 Are you aware of whether Mr. Poulos
10 testified in connection with this litigation that
11 you're here testifying --

12 A. No.

13 Q. -- in today?

14 A. No.

15 Q. And I take it you have not read any testimony,
16 if it should exist, from Mr. Poulos in connection with
17 the lawsuit that you're here testifying today; is that
18 right?

19 A. That's right. I don't know who's being
20 deposed, who hasn't been. I don't know who received
21 deposition notices. I don't know any of that.

22 Q. I just want to make sure that you've not been
23 provided testimony by Mr. Poulos relating to his
24 claims against Mr. Ralston?

1 A. I have not.

2 Q. And did you provide any recommendation
3 regarding whether The Hill School should proceed to
4 mediation with Mr. Poulos?

5 MR. FOX: Objection. Same instruction
6 as to privilege.

7 BY MS. DOUGHERTY:

8 Q. And so I don't have to ask each time.

9 Ms. Gomez, can I assume that when your lawyer
10 instructs you not to answer, you're going to follow
11 his advice?

12 A. Yes. I will add to that answer, that advice
13 about mediation or not would not be within the scope
14 of my role.

15 Q. So you didn't perform an evaluation, analysis,
16 anything like that about whether the School should
17 participate in mediation because it was not part of
18 the scope of your representation of The Hill School;
19 is that right?

20 A. That's right.

21 Q. Media -- just so I understand it, in your mind
22 mediations is a component of litigation, right?

23 A. That's right.

24 Q. So mediate -- let me just make sure.

1 Do you ever participate in mediations
2 with complainants?

3 A. I have participated in a handful of mediations
4 as a fact witness.

5 Q. Okay. But not as an advocate for the school?

6 A. No. I do not represent a school in the context
7 of civil litigation. I have never filed a civil
8 filing in my life.

9 Q. I understand. Some people would consider
10 mediation not litigation --

11 A. No.

12 Q. -- so I just wanted to make sure that you don't
13 make that distinction?

14 A. No.

15 Q. Okay. I understand.

16 A. And in this case, the communication
17 specifically between Mr. Rees and Mr. Garabedian
18 discussed mediation.

19 Q. Right. So you're aware of the communications
20 --

21 A. We're aware of communications, yes.

22 Q. -- between Mr. Rees and Mr. Garabedian, but you
23 didn't participate in evaluating whether it should
24 be -- whether mediation should be pursued because it

1 wasn't within the scope of your representation of The
2 Hill School, correct?

3 A. That's correct. That's Mr. Rees's role.

4 Q. Just to confirm, you didn't have a specific
5 retention agreement with The Hill School relating to
6 investigating Mr. Poulos's claims; is that right?

7 A. That's correct.

8 Q. And Cozen O'Connor doesn't have a specific
9 retention agreement to investigate the claims by
10 Mr. Poulos; is that right?

11 A. I don't believe they do, no. Not the claims by
12 Mr. Poulos. There may be a Cozen O'Connor engagement
13 letter that was executed in the spring 2017 when we
14 moved to the new firm. I don't have access to that at
15 my fingertips and I don't know if it exists or not.

16 Q. Right. But that couldn't have related to Mr.
17 Poulos --

18 A. That's correct.

19 Q. -- because the letter wasn't received until
20 April 11, 2018, right?

21 A. That's correct.

22 Q. I just want to make sure there isn't a separate
23 engagement agreement, a written engagement agreement
24 relating to just Mr. Poulos' complaints?

Leslie M. Gomez, Esquire

1 A. Not that I'm aware of, no. And I would have
2 drafted it. So I should answer that more precisely.
3 No, there is not.

4 Q. After you received the December 26, 2018 letter
5 did you interview any current or former students or
6 employees or faculty of The Hill School?

7 A. No.

8 MR. JUBB: Candi, forgive me. Did your
9 last question involve former students?

10 MS. DOUGHERTY: Yes. I said current or
11 former students, employees or faculty.

12 MR. JUBB: Thanks.

13 BY MS. DOUGHERTY:

14 Q. Let's do it this way.

15 Ms. Gomez did you interview anyone --

16 A. No.

17 Q. -- in connection with Mr. Poulos' claims
18 against Mr. Ralston?

19 A. No.

20 Q. And just for the sake of completeness, did
21 anyone from Cozen O'Connor who participated in the
22 representation of The Hill School interview anyone in
23 connection with the claims by Mr. Poulos?

24 A. No.

1 (Ms. Dougherty is sharing her screen.)

2 BY MS. DOUGHERTY:

3 Q. I'm showing you a document that has been
4 previously marked on the bottom, I think, here P47.12
5 to P47.13. I'm going to mark it as exhibit D34.

6 - - -

7 (Exhibit D34, E-mail Chain, January 9,
8 2019, Bates stamped P47.12 through P47.13 ,
9 was marked for identification.)

10 - - -

11 BY MS. DOUGHERTY:

12 Q. The document is an e-mail from Mr. Rees to Mr.
13 Garabedian, Nathan Gaul, that cc's Ms. Smith and you.
14 The subject, "Hill School-claim of Kurtis Nicholas
15 Poulos." And it's dated January 9, 2019.

16 Are we looking at the same document?

17 A. I'm looking now on the screen, yes.

18 Q. And you received the e-mail that's reflected in
19 D34; is that right?

20 A. Yes.

21 Q. Did you participate in the preparation of the
22 e-mail? I realize it was sent by Mr. Rees. But did
23 you review a draft or participate in the preparation
24 of the e-mail that was ultimately sent by Mr. Rees?

Leslie M. Gomez, Esquire

1 MR. FOX: Objection.

2 THE WITNESS: I really don't recall.

3 BY MS. DOUGHERTY:

4 Q. I'm just directing your attention to the second
5 paragraph of the e-mail where Mr. Rees wrote the
6 School's outside attorneys Gina -- is it Maisto?

7 A. Maisto.

8 Q. Okay. "The School's outside attorneys Gina
9 Maisto Smith, Esquire and Leslie Gomez would like to
10 meet with Mr. Poulos in your presence and in your
11 office to discuss the facts and issues presented in
12 the December 26th letter;" is that right?

13 A. Yes.

14 Q. So Mr. Rees communicated to Mr. Garabedian that
15 you and Ms. Smith were lawyers for The Hill School; is
16 that right?

17 A. That's what it says.

18 Q. I'm showing you a document that is a -- it says
19 law offices of Mitchell Garabedian at the top. It's
20 dated January 28, 2019. It's a letter addressed to
21 Thomas D. Rees. At the bottom it says Garabedian047.

22 I'm going to mark this document as D35.

23 - - -

24 (Exhibit D35, Law Office of Mitchell

1 Garabedian, Letter, January 28, 2019, Bates
2 stamped Garabedian047, was marked for
3 identification.)

4 - - -

5 BY MS. DOUGHERTY:

6 Q. Have you seen the letter reflected in D35 --

7 A. Yes.

8 Q. -- previous to me showing it to you?

9 A. Yes.

10 Q. When did you receive the letter reflected in
11 D35?

12 A. What's that date of that letter, January?

13 Q. I'm sorry. It's January 28, 2009.

14 A. Just a moment.

15 Q. Are you looking at --

16 A. 2019.

17 Q. Yeah. I'm sorry. Just keep doing that. It
18 says January 28, 2019.

19 A. I received it on January 29, 2019.

20 Q. From Mr. Rees?

21 A. Yes.

22 Q. And you're looking in your binder --

23 A. Yes.

24 Q. -- as a reference to answer my questions?

1 A. Yes. Thank you.

2 Q. So as of January 29, 2019 -- well let me start
3 again.

4 The second paragraph of the letter
5 that's been marked as D35 says, "Pursuant to our
6 telephone conversation on December 21, 2018, please
7 advise me as to your client's position with regard to
8 my recommendation that the parties agree to attend
9 mediation if Mr. Poulos's claim is found credible
10 following an investigation."

11 Did you read that portion of
12 Mr. Garabedian's letter that's been marked as D35 when
13 you received it on January 29, 2019 from Mr. Rees?

14 A. Yes.

15 Q. So at least as of January 29, 2019, you
16 understood that Mr. Garabedian's position was that the
17 parties would agree to attend mediation if
18 Mr. Poulos's claim was found credible following an
19 investigation; is that right?

20 MR. JUBB: Object to the form.

21 THE WITNESS: I understood

22 Mr. Garabedian wanted the school to enter into
23 mediation if the school found the accusations
24 credible after an investigation.

1 BY MS. DOUGHERTY:

2 Q. Did the school perform an investigation and
3 make a credibility determination as a result of the
4 investigation?

5 A. The school did not complete the investigation.
6 It took investigative steps. It did not make a
7 credibility -- I did not make a credibility
8 determination as part of the investigation.

9 Q. Is there a reason why you did not make a
10 credibility determination after your investigation
11 into Mr. Poulos's claim?

12 A. I did not have sufficient information to reach
13 a credibility determination without speaking with and
14 understanding directly from Mr. Poulos the nature and
15 the extent of the conduct that would allow me to make
16 a credibility assessment.

17 Q. Okay. You testified a number of times that you
18 didn't know why Mr. Garabedian was not responding.
19 But he did respond, right, January 28, 2019 and
20 indicated he was looking for an investigation and a
21 determination as to whether Mr. Poulos's claim was
22 found credible?

23 A. Between --

24 MR. JUBB: Objection to the form.

1 THE WITNESS: -- April of 2018 and
2 December -- I'm sorry, April of 2018 and
3 September of 2018 Mr. Garabedian did not
4 respond. Between September of 2018 and
5 December of 2018 there was a dialogue that had
6 begun between Mr. Rees and Mr. Garabedian. My
7 understanding of that dialogue, as I just
8 framed, was that Mr. Garabedian was asking the
9 School to agree to mediation if the School
10 found the accusations credible after an
11 investigation.

12 Q. And the school -- I apologize.

13 A. Yes. I cannot fully investigate or complete
14 that investigation without hearing directly from
15 Mr. Poulos.

16 Q. Okay. So the school did not complete the
17 investigation to determine whether Mr. Poulos's claim
18 was credible, which was the prerequisite for
19 Mr. Garabedian and Mr. Poulos participating in
20 mediation; is that right?

21 A. That's my perspective.

22 MR. FOX: Object to form.

23 THE WITNESS: And, Candi, I just wanted
24 to finish the earlier answer.

1 Following the December 26, 2018, there
2 were four correspondences from Mr. Rees to
3 Mr. Garabedian. I believe those dates are
4 January 9th, January 30th, February 21st and
5 March 26th, all of which Mr. Rees reiterated a
6 request to interview Mr. Poulos.

7 BY MS. DOUGHERTY:

8 Q. Okay. What are you reading from right now when
9 you went through those dates?

10 A. My notes.

11 Q. Okay. So you have notes in addition to a
12 binder in front of you?

13 A. Two pages of handwritten notes that will be
14 retained in the binder.

15 Q. Okay. Do you have anything else in front of
16 you that you've been using as an aid to answer
17 questions?

18 A. (Reviewing document.)

19 Q. Other than the retention agreement that you
20 pulled up and read out loud?

21 A. (Indicating.) I have two pages of handwritten
22 notes, primarily listing our dates. And I have a
23 small binder with my flags on it as to communications.
24 That's what I have in front of me.

1 Q. And the notes that you held up, those are notes
2 that you made on your own; is that right?

3 A. Those are notes that I made on my own to
4 prepare for today.

5 And if the record could reflect that my
6 video virtual background is generally blurred and that
7 I've just unblurred it to show the documents here in
8 front of me. Ad now I'll put it back to blurred
9 because that's how I leave it.

10 Q. So the notes that you prepared that you were
11 referencing, you prepared them on your own and not at
12 the direction of your attorney; is that correct?

13 A. I prepared the notes on my own to refresh my
14 recollection about the chronology, the dates and
15 communications to be able to speak with you and
16 Mr. Jubb in a way that was accurate and factual based
17 on the timeline of communications, given the multiple
18 years that have passed since these events occurred.

19 Q. Okay. So we've already looked at the June 9,
20 2019 letter, correct. That was D34.

21 A. Yes.

22 Q. Do you need me to put it up again?

23 A. No.

24 Q. And then we were looking at -- I put it away,

1 but I'll put it back up.

2 (Ms. Dougherty is sharing her screen.)

3 -- D34, which was Mr. Garabedian's

4 letter, dated January 28, 2019, right?

5 A. Yes. We just looked at that together.

6 Q. Right. So you acknowledged that after Mr. Rees

7 asked about you interviewing Mr. Poulos,

8 Mr. Garabedian did respond on January 28, 2019, right?

9 A. Yes.

10 Q. And Mr. Garabedian indicated that his condition

11 was that an investigation was completed that also

12 found Mr. Poulos's claim credible; is that right:

13 A. I've lost who your his is. I didn't think that

14 was his condition.

15 Q. I apologize.

16 A. That's okay.

17 Q. I'm just trying to confirm that as of January

18 29, 2018 when you received the letter from

19 Mr. Garabedian that's been marked as D35, that you

20 understood that Mr. Garabedian's condition was an

21 investigation that found Mr. Poulos's claim credible?

22 A. Mr. Garabedian's --

23 MR. FOX: Objection to the form.

24 THE WITNESS: -- condition for what?

1 Condition for agreeing to an interview?

2 Condition for recommending mediation? I don't
3 view these two pieces as related.

4 If -- what I think you're asking me is
5 does this letter communicate to the School that
6 Mr. Poulos would only agree to participate in
7 an interview if the School agreed to mediate if
8 the investigation found the allegation to be
9 credible? That is one inference. That is
10 not -- this letter does not state that
11 explicitly.

12 And, in fact, the next communication
13 back from the School would be the January 30th
14 letter back from the School. That says again,
15 Ms. Gomez and Ms. Smith would like to interview
16 Mr. Poulos and you in Boston. And your
17 communication, and I don't know if you have
18 this in front of you, that Tom Rees e-mail to
19 Mitchell Garabedian of January 30, 2019.

20 BY MS. DOUGHERTY:

21 Q. Right. There wasn't a letter of January 30,
22 2019, right? It was an e-mail --

23 A. It's an e-mail.

24 Q. -- from Mr. Rees to Mitchell Garabedian to you,

1 Ms. Smith and Nathan Gaul, right?

2 A. That's right.

3 Q. I'll pull it up a moment. I just want to stick
4 with the January 28, 2019 communication.

5 A. That's correct.

6 Q. So your expectation was that Mr. Garabedian
7 needed to respond with the words, Mr. Poulos will not
8 appear for an interview, is that what you were looking
9 for?

10 A. I don't have --

11 MR. FOX: Objection.

12 MR. JUBB: Objection to the form.

13 THE WITNESS: -- have an expectation.

14 I was simply saying that we offered to
15 interview Mr. Poulos and Mr. Garabedian did not
16 respond to agree to an interview. I don't know
17 what his reasons were. I can't speak to that.
18 I don't hold any inference against it.

19 BY MS. DOUGHERTY:

20 Q. Right. In reaction to the request to interview
21 Mr. Poulos, Mr. Garabedian responded with a letter
22 that you've acknowledged that you received, confirming
23 also a telephone conversation apparently, because
24 that's what you wrote, that Mr. Poulos's position

1 through Mr. Garabedian's recommendation was that you
2 would participate in a mediation if Mr. Poulos's
3 claims were found credible following an investigation.

4 Why didn't than communicate to you --

5 MR. JUBB: Objection to the form.

6 THE WITNESS: I'm not sure I --

7 BY MS. DOUGHERTY:

8 Q. -- Mr. Poulos's position?

9 MR. JUBB: Objection to form.

10 BY MS. DOUGHERTY:

11 Q. Well, you keep making a big deal out of Mr.
12 Garabedian didn't respond to our invitation to an
13 interview. He did. He responded and said, don't
14 participate in a mediation if you do an investigation
15 and you find Mr. Poulos's claims credible?

16 MR. JUBB: Objection to the form.

17 Do you have a question?

18 MR. FOX: That was a little bit
19 argumentative. She's not fighting with you.

20 THE WITNESS: Candi, what I'm saying is
21 that there was no clear communication that says
22 Mr. Poulos will not participate in an interview
23 because of whatever reason, please complete
24 your investigation without that interview and

1 if found credible.

2 I hear what you're saying. The
3 inference that this will -- at least one
4 inference of this is that his condition
5 precedent for an interview was, please commit
6 to me that you will agree to mediation.

7 BY MS. DOUGHERTY:

8 Q. I understand. Let me just see if I can clarify
9 it. Because maybe we're just talking past each other.

10 So your point is not that
11 Mr. Garabedian didn't respond at all, it's that
12 Mr. Garabedian specifically didn't address the request
13 that you made through Mr. Rees to interview
14 Mr. Poulos; is that right?

15 A. I'm saying after January 28th of 2019 --

16 MR. JUBB: Object to form.

17 THE WITNESS: -- when Mr. Garabedian
18 responded with the sentence that you have
19 framed that the School made three subsequent
20 outreaches to say please clarify your
21 communication. We would remain very interested
22 in having the interview which is necessary to
23 the investigation before we even get to the
24 questioning of mediation. And that there was

1 no response after the January 28, 2019 letter
2 of which I am aware.

3 MS. DOUGHERTY: Why don't we take a
4 10-minute break.

5 THE WITNESS: Candi, just for timing
6 purposes, I'm teaching at a conference at 1:10
7 so?

8 MS. DOUGHERTY: I thought you were
9 available until 2:00.

10 THE WITNESS: No.

11 MS. DOUGHERTY: Okay.

12 MR. FOX: What time do we need to leave
13 Leslie?

14 MS. DOUGHERTY: Well, why don't we just
15 do five minutes then we've been going for a
16 while and I want to give the Court Reporter a
17 moment.

18 MR. FOX: Sure. That's fine.

19 MR. POULOS: Can I put something on the
20 record before we sign off?

21 MS. DOUGHERTY: We're not signing off.
22 We're taking a five minute break. And it is
23 just going to eliminate the time that we have,
24 including for you, to ask Ms. Gomez questions.

1 MR. POULOS: Well, I wasn't allowed to
2 ask questions in the last deposition. And,
3 obviously, if we're only going to have like
4 another 15 minutes, I'm not going to be able to
5 ask Ms. Gomez any questions again like the last
6 deposition. So again, why am I a part of this
7 if I'm not allowed to --

8 MS. DOUGHERTY: Mr. Poulos, Mr. Jubb
9 and I could not control that Mr. Lehman
10 disconnected his connection and refused to
11 answer further questions literally in the
12 middle of a question by my partner. It's a
13 separate issue. Let's not take Ms. Gomez's
14 time or Mr. Fox's time and have a break so the
15 Court Reporter can have a break and we'll
16 proceed. And if Ms. Gomez has to leave before
17 you're done, then we'll address that issue.
18 I'm sure Ms. Gomez won't be rude and disconnect
19 like Mr. Lehman did.

20 MR. POULOS: And I just want to put on
21 the record that I've not had time to ask
22 questions.

23 MS. DOUGHERTY: Okay. So five minutes.

24 MR. FOX: Yes.

Leslie M. Gomez, Esquire

1 (A short break was taken.)

2 MS. DOUGHERTY: I'm going to mark a
3 January 30, 2019 e-mail from Mr. Rees to
4 Mr. Garabedian cc Ms. Smith, Ms. Gomez and
5 Mr. Gaul as D36.

6 - - -

7 (Exhibit D36, E-mail, January 30, 2019,
8 Bates stamped P47.10 through P47.11, was
9 marked for identification.)

10 - - -

11 MS. DOUGHERTY: I'm also going to mark
12 a February 21, 2019 letter from Mr. Rees to
13 Mr. Garabedian that's cc'd Mr. Gaul,
14 Mr. Lehman, Ms. Smith and Ms. Gomez as D37.

15 - - -

16 (Exhibit D37, High Swartz, Letter,
17 February 21, 2019, Bates stamped P47.27, was
18 marked for identification.)

19 - - -

20 MS. DOUGHERTY: And I'm also going to
21 mark a March 26, 2019 letter from Mr. Rees to
22 Mr. Garabedian that cc'd Mr. Gaul, Mr. Lehman
23 Ms. Smith. Ms. Gomez as D38.

24 - - -

1 (Exhibit D38, High Swartz, Letter,
2 March 26, 2019, Bates stamped P47.26, was
3 marked for identification.)

4 - - -

5 MS. DOUGHERTY: It was shown to the
6 witness earlier in a, perhaps a different form
7 or a different Bates label, as Gomez-5.

8 MR. FOX: Okay.

9 MS. DOUGHERTY: I'm just going to use
10 those designations so --

11 MR. JUBB: Is that D38?

12 MS. DOUGHERTY: Yeah. Just -- okay.

13 THE WITNESS: Sorry. I was trying to
14 make arrangements to have somebody else do my
15 1:10 to 2:10 conference presentation. I
16 certainly want to make time for Mr. Poulos to
17 ask the questions he'd like to ask.

18 If that's your advice, counsel.

19 (Ms. Dougherty is sharing her screen.)

20 BY MS. DOUGHERTY:

21 Q. Okay. Are you ready to proceed. I thought
22 that you were available until 2:00. I apologize. I
23 would have suggested to start it earlier. But it's
24 okay.

1 I've marked a couple documents that
2 we've been talking about them and I just want you to
3 identify them to make sure that we're talking about
4 the same things.

5 So you referenced an, I think, e-mail
6 by Mr. Rees to Mr. Garabedian on January 30, 2019.
7 I'm showing you an e-mail that I've marked as D36. Is
8 this the e-mail you had in mind --

9 A. Yes.

10 Q. -- when you were talking about a January 30,
11 2019 e-mail from Mr. Rees to Mr. Garabedian?

12 A. Yes.

13 Q. Okay. And you acknowledge that Mr. Rees,
14 again, referred to you and Ms. Smith as the School's
15 outside counsel, correct?

16 A. Yes.

17 Q. Okay. Next I'm showing you a document that
18 I've already marked as D37. It's a letter from
19 Mr. Rees dated February 21, 2019 to Mr. Garabedian
20 that also cc's you, among others. You spoke earlier
21 about a letter from Mr. Rees dated February 21, 2019.
22 I just want to confirm that you're referring to D37?

23 A. Yes.

24 Q. You acknowledge that Mr. Rees, again, referred

1 to you and Ms. Smith as the Hill School's outside
2 attorneys, correct?

3 A. Yes.

4 Q. I'm showing you another letter from Mr. Rees
5 that I've marked as D38. You looked at a -- looked at
6 it earlier as Gomez-5, but perhaps with a different
7 Bates label. It's a March 26, 2019 letter from
8 Mr. Rees to Mr. Garabedian. Earlier when you referred
9 to a March 26, 2019 letter by Mr. Rees to
10 Mr. Garabedian, is this what you were referring to?

11 A. Yes.

12 Q. And you acknowledge that, again, on March 26,
13 2019 Mr. Rees referred to you and Ms. Smith as the
14 Hill School's outside attorneys, correct?

15 A. Yes.

16 Q. And are there any other letters from Mr. Rees
17 requesting or expressing your request to interview
18 Mr. Poulos that you're aware of?

19 A. Not that I'm aware of. I think you've -- there
20 was an April 24, 2018, I believe. I don't imagine we
21 referenced that today. We may well have covered it
22 earlier.

23 Q. All right. Just so I understand how it
24 happened, the April 11, 2018 letter came in. There

1 was some communications between Mr. Garabedian and
2 Mr. Rees. I think you referenced the communications
3 picked up again between September 2018 to December --
4 to the December 26, 2018 letter. And then after that
5 point in time, Mr. Rees wrote the e-mail that we
6 looked at earlier as D34, the January 9, 2019 e-mail.
7 Then Mr. Garabedian responded with a letter that we
8 were looking at before the break that was marked as
9 D37. And then we've looked at the January 30, 2019
10 e-mail, the February 21, 2019 letter and the March 26,
11 2019 letter from Mr. Rees.

12 Are you aware of any other
13 communications by Mr. Rees -- or I guess let me start
14 again.

15 Are you aware of any other
16 communications where Mr. Rees communicated your
17 request to interview Mr. Poulos other than the ones
18 that I've shown to you today?

19 A. No.

20 Q. So your --

21 A. Other than a telephone, like a voice mail
22 message that was referenced and/or a telephone call
23 that was referenced.

24 Q. Okay. I'm just making sure because I see

1 you're looking at your notes that you don't have a
2 note another written communication?

3 A. No.

4 Q. You wouldn't be able to tell me what happened
5 on the telephone calls between Mr. Rees and
6 Mr. Garabedian because you didn't participate in them,
7 correct?

8 A. I would only be able to give you secondhand
9 information as to what I learned from Mr. Rees about
10 the content of that conversation.

11 Q. Did you participate in the -- well, let me
12 start again.

13 Are you aware that first Mr. Ralston,
14 the Plaintiff, and then my office sent subpoenas for
15 documents to you and to Cozen O'Connor?

16 A. Yes.

17 Q. Did you participate in preparing the response
18 to any of those subpoenas?

19 A. I don't think so, no.

20 Q. Did you --

21 A. I mean, other than gathering information to
22 share with Mr. Fox. I -- or of Mr. Fox's
23 communications with Mr. Rees, but I did not, to my
24 recollection prepare any document.

1 Q. Okay. So you didn't prepare like a written
2 response to the subpoena --

3 A. No.

4 Q. -- is that what you mean?

5 Did you collect any documents to
6 respond to either of the subpoenas or any of the
7 subpoenas?

8 A. Whatever documents I had were all documents
9 that I received from the School and/or copies of the
10 communications with Mr. Garabedian or that last
11 communication with Mr. Jubb with the document
12 preservation.

13 I don't remember, was there -- I don't
14 know if there was -- I just don't remember if there
15 was an affidavit not an affidavit. I don't remember
16 any of those pieces.

17 Q. Yeah. I'm just trying to find the -- here with
18 go.

19 (Ms. Dougherty is sharing her screen.)

20 Okay. I'm showing you a document --
21 I've scrolled to the middle because I just want to
22 know if you've seen a document like this.

23 It's -- but I'll represent it's the
24 notice of intent to serve a subpoena directed to Cozen

1 O'Connor that was sent by the Plaintiff.

2 Have you seen this document?

3 A. Yeah. I have not read it recently, but I would
4 have seen it around the time that it came in.

5 Q. And you realize that there was an attachment
6 that I'm showing you now that asked for documents
7 right?

8 A. Mm-hmm.

9 Q. Did you do anything to collect documents to
10 respond to these requests?

11 A. Whatever documents that existed I would have
12 provided to Mr. Fox once his -- I did not produce
13 documents.

14 Q. Okay. So you collected materials and you gave
15 them to Mr. Fox. And then as far as you're concerned
16 Mr. Fox took care of the response, correct?

17 A. That's my understanding.

18 Q. So where did you search to collect the
19 documents? Did you look in your e-mail?

20 A. The same way that I prepared for today, I
21 looked in my e-mail, looked at any hard copy documents
22 that I may have had and looked at any electronic
23 documents that I may have seen.

24 Q. You mean, on your computer and also in the

1 Cozen system?

2 A. Yes.

3 Q. Did you look in any of materials maintained by
4 Ms. Smith? I think you mentioned that she had
5 materials in her office?

6 A. I -- she would not have had materials
7 independent of the materials that I had. I was the
8 lead on this matter.

9 Q. Do you know whether Ms. Smith participated in
10 preparing the response to Mr. Ralston's subpoena?

11 A. Yes, I believe she did.

12 Q. Do you know what Ms. Smith did to prepare the
13 response to Mr. Ralston's subpoena to Cozen O'Connor?

14 A. I can't speak to her specific steps, other than
15 being involved in conversation and discussion as to
16 what documents exists where they might live?

17 Q. I just wanted to make sure that you didn't do
18 it together or something like that.

19 A. No.

20 Q. So you just know from what -- you just know
21 that she did something, but you don't know the details
22 of what. Correct?

23 A. That's right.

24 Q. Now I'm showing you a letter, I'm going to

1 scroll, that's from a lawyer with my office, dated
2 October 2, 2020. It has a subpoena from my office to
3 Mr. Garabedian directed to you.

4 Have you seen this document before?

5 A. I believe I have. Again, not recently. But
6 I'm sure if it says subpoena directed to me I would
7 have seen it.

8 Q. You're aware that there is an addenda that has
9 document requests, right?

10 A. Mm-hmm.

11 Q. And you saw those around or close in time to
12 when the subpoena was served?

13 A. Mm-hmm.

14 Q. Did you do anything to prepare a response? Did
15 you collect documents or anything like that in
16 response to the subpoena that I've just showed you
17 from my office?

18 A. It would have been the same response. I don't
19 know what the response was that went out with respect
20 to...

21 Q. Well, let me do it this way.

22 Did you perform like a second search in
23 response to a subpoena, to a second subpoena?

24 A. I don't have an independent recollection. I'd

1 have to go back and look at e-mail correspondence from
2 that time frame.

3 Q. Okay. So you don't know what or how many
4 documents were produced in response to any of the
5 subpoenas, you just know what you collected and gave
6 to your lawyer, correct?

7 A. Correct.

8 Q. Okay.

9 MS. DOUGHERTY: Mr. Fox, I was going to
10 direct this to you. I'll go through the
11 document request and the events if I have to,
12 but I'm trying to be efficient. It -- based on
13 the materials I received, which is 29 pages,
14 which doesn't even have like the December 2018
15 letter, I don't think we received all
16 responsive documents. I think I've identified
17 a number of things that should have been
18 produced already. I can go through each of the
19 requests or you and I could -- with the witness
20 to confirm it or you and I could meet and
21 confer about it offline, it's your preference.

22 MR. FOX: Sure. My suggestion is let's
23 you and I talk because I want to go over this.
24 It's been a while. I don't even recall, quite

1 frankly, how the response was put together. So
2 let's -- let me check my notes and you and I
3 can talk about that.

4 MS. DOUGHERTY: Okay. Just for the
5 record I'll mark it, I think we're up to 39.
6 These are the -- D39, I think.

7 MR. JUBB: Which is also P47.

8 MS. DOUGHERTY: Right.

9 MR. JUBB: Yeah. You're at D39.

10 - - -

11 (Exhibit D39, Miscellaneous letters,
12 e-mails, Bates stamped P47.1 through P47.29,
13 was marked for identification.)

14 - - -

15 MS. DOUGHERTY: Yes. D39 is 29 pages.
16 It's P47.1 through probably 29 but -- through
17 29. These are the 29 pages we received in
18 response to Plaintiff's subpoena and I think
19 the response to our subpoena was the materials
20 have been produced. And I'll give you this,
21 Mr. Fox, to look at, but there are obvious
22 deficiencies like the Garabedian letter that we
23 looked at that, obviously, Ms. Gomez has
24 because she put in her notes is in there, the

1 2018 letter that's the subject of the lawsuit
2 is in there. So I think that either we don't
3 have all the documents or we need to do another
4 search, so. Because I've identified things
5 that certainly should be in there and the
6 witness has identified things that I think are
7 responsive and should have been produced.

8 So based on your representation that
9 we'll meet and confirm, are you willing to have
10 your client perform an additional search of the
11 materials.

12 MR. FOX: Yeah. Absolutely. If there
13 is something that was neglected, we'll get it
14 to you.

15 MS. DOUGHERTY: Right. Because the
16 alternative would be for me to go through each
17 request and ask her what exists and what she
18 did to look for it. And I think that's a waste
19 of time if you'll agree to work with me on it.

20 MR. FOX: Absolutely.

21 THE WITNESS: Candi, if there is
22 something that you should have and you don't
23 and you didn't, it's completely unintentional,
24 so I think the solution you proposed is

1 perfectly appropriate.

2 MS. DOUGHERTY: Those are my questions
3 with the understanding that we have to work out
4 the issue with the documents. That's why I
5 marked the production.

6 MR. JUBB: So I'd also like to be a
7 part of that conversation if possible.

8 MR. FOX: Sure.

9 MR. JUBB: Thanks.

10 MS. DOUGHERTY: Mr. Poulos, you're up.

11 MR. JUBB: That's my line.

12 MS. DOUGHERTY: Mr. Poulos, are you
13 there?

14 MR. POULOS: Yeah, I'm here.

15 MS. DOUGHERTY: Are you ready for your
16 questions?

17 MR. POULOS: Yeah. I just have a
18 couple of questions. Nothing too long.

19 - - -

20 E X A M I N A T I O N

21 - - -

22 BY MR. POULOS:

23 Q. I understand earlier Ms. Gomez said that she
24 claims to be an expert on child or sexual abuse.

1 Did you go to school for that?

2 A. Mr. Poulos, it's nice to meet you. I'm sorry
3 it's under these circumstances.

4 I received on-the-job training and have
5 attended many professional trainings or seminars. I
6 have read research and literature in the area and I
7 have been engaged in the practice of it, as I said,
8 for since 1997, I would say. And I now teach in this
9 area across the country.

10 Q. But did you go to school to address
11 psychological effects of sexual abuse?

12 A. Did I go to a college or university and receive
13 a degree in psychology? No.

14 Q. Okay. That's all I wanted to know.

15 MR. POULOS: You know, I really don't
16 have anything else at this point.

17 MR. FOX: Okay.

18 MR. POULOS: It seems like Candi asked
19 most of the questions I was going to ask.

20 MR. FOX: Candi, did a very thorough
21 job.

22 MR. POULOS: Well, she's a good
23 attorney.

24 MS. DOUGHERTY: Sorry. Candi is

1 dragging because Candi isn't feeling well
2 unless I talk faster.

3 Mr. Poulos, do you have notes that you
4 want to look at because I know a couple times
5 you said you didn't have questions and then
6 realized immediately after that you did. So do
7 you want to take a minute --

8 MR. POULOS: No, I've got --

9 MS. DOUGHERTY: If Ms. Gomez has a
10 minute.

11 THE WITNESS: I have time. I have all
12 the time for Mr. Poulos to the extent that he
13 has questions.

14 MR. POULOS: No. I'm good for now. I
15 appreciate your time.

16 THE WITNESS: Thank you.

17 MR. FOX: Okay. We'll talk.

18 MR. JUBB: Candi, is there anything
19 else that you have.

20 MS. DOUGHERTY: No. It's just the
21 issue with the documents and, yeah, that
22 would -- actually I just have one thing that's
23 quick.

24 MR. JUBB: I might actually have a

1 followup too, but if we can -- you can go
2 first.

3 MS. DOUGHERTY: It's really not a
4 followup. I was too fast in going through my
5 stuff, but thank you for accommodating me.

6 - - -

7 E X A M I N A T I O N

8 - - -

9 BY MS. DOUGHERTY:

10 Q. We're up to D40.

11 I'm showing you the -- your biography
12 on the Cozen O'Connor page, which I'll represent to
13 you, it's 10 pages and I printed it this morning. You
14 can see at the top right -- may you can't.

15 A. I'll confirm that. I trust that it's accurate.

16 Q. Its October 7, '21 6:24 a.m. That's all I want
17 to confirm is that the information contained in your
18 biography that's currently present on the Cozen
19 O'Connor website is accurate?

20 A. I have not reviewed it recently. I have no
21 reason to believe it's not accurate.

22 Q. Okay. And I don't know if I marked it but I'll
23 do D40, just so we're consistent. Thank you. Sorry.

24 - - -

Leslie M. Gomez, Esquire

1 (Exhibit D40, Leslie M. Gomez,
2 Biography, 10 pages, was marked for
3 identification.)

4 - - -

5 THE WITNESS: My hair just so the
6 record can reflect is grayer now.

7 MR. JUBB: I've just got a couple of
8 quick questions, if that's okay. Sorry.
9 Mr. Poulos, did you have something else. I
10 thought I just saw Mr. Poulos's mike light up.

11 Kurtis, did you have something else?

12 MR. POULOS: No, I just don't
13 appreciate people laughing during this.

14 THE WITNESS: I understand and I
15 apologize for that.

16 MR. POULOS: Okay.

17 THE WITNESS: Mr. Poulos, I apologize.
18 Sometimes when moments are particularly tense
19 there is a natural relief. I apologize and do
20 not mean to make light in any way. I
21 understand how difficult this must be.

22 - - -

23 E X A M I N A T I O N

24 - - -

1 BY MR. JUBB:

2 Q. Ms. Gomez, as part of your review you had
3 mentioned some of the things that you would ask for
4 and look at. Did you -- do you recall looking at the
5 student schedule?

6 A. I recall that that information was provided at
7 some point, yes, and that I reviewed that.

8 Q. And when you say student schedule, you mean the
9 classes that he had taken?

10 A. The classes that he would have been registered
11 for and taken, yes.

12 MS. DOUGHERTY: He being Poulos?

13 MR. JUBB: Yes, of course. Yes I'm
14 sorry.

15 BY MR. JUBB:

16 Q. Do you recall ever seeing something like a
17 class schedule that said what period the particular
18 class was?

19 A. No. My understanding as to the geometry class
20 is the geometry class, I think during the fourth form
21 year, was that geometry class was a rotating class. I
22 don't think that there were records available that
23 would reflect what the rotation was, whether it was
24 the last class of the day or not, and I don't believe

1 there were records that would reflect where the class
2 occurred. I also don't think that there --

3 Q. Okay.

4 A. -- are records that reflect who was in the
5 class. I don't think records were kept in that way
6 that there was a class list of students.

7 Q. Okay.

8 MR. JUBB: Thanks.

9 MS. DOUGHERTY: Okay. I don't have
10 anything more.

11 MR. FOX: Thank you, everyone.

12 (Deposition concluded at 1:03 p.m.)

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C E R T I F I C A T I O N

I, Lisa DePascale, Court Reporter, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first remotely sworn by me at the time, place and on the date herein before set forth.

I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.



Lisa DePascale

Court Reporter and Notary Public

in the Commonwealth of Pennsylvania and Delaware



A Message from the Headmaster

April 23, 2016

Dear Hill School Alumni and Parents:

You may be aware that several prominent boarding schools recently have been confronted with very troubling accusations or proven examples of sexual abuse of their students by employees. In light of this national media attention, I write to emphasize that The Hill School simply does not tolerate conduct that violates the high ethical and behavioral standards we set for all members of our community. Furthermore, our faculty and staff are committed to the family values that lie at the very foundation of The Hill.

The Hill School fosters a supportive and safe environment for our students. We do this in a myriad of ways, beginning with an intense faculty and staff hiring process requiring comprehensive background checks and references. We also provide annual training to all employees regarding our own policies on harassment and abuse, and on how to identify and report any issues at the earliest possible stage. Equally important, we facilitate proactive, awareness-raising educational programs as part of our student life co-curriculum, including speakers on sexuality issues, stress management, and substance abuse. We also routinely encourage candid, focused discussions in our adviser groups, in our dormitories, and in other forums as appropriate. I invite you to read about Hill's comprehensive resources and policies as noted on our website.

No school or organization serving young people is immune from the possibility of inappropriate conduct involving members of its community. We want you to know that The Hill School has a rigorous protocol in place that we have carefully developed to ensure the paramount safety and security of our students. This protocol includes promptly reporting any suspected incidents of misconduct to ChildLine, Pennsylvania's investigative resource concerning alleged child abuse or neglect. In addition, our policy is to cooperate fully with any investigation that may be launched. Naturally, we are guided by respect for the privacy of our students and, especially, the victims of unacceptable misconduct. Nonetheless, our policies for how we deal with behavior that violates our standards are clear, and are followed without exception. We take our responsibilities very seriously.

As always, I welcome your comments and suggestions. We have no higher priority than the health and well-being of our students as we prepare them for "college, careers, and life."

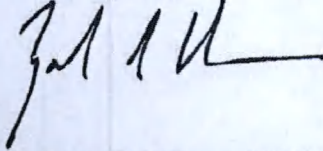
EXHIBIT

D-2 11/20/20

exhibitsticker.com

0288a

Warm regards,



Zachary G. Lehman P'16 '18
Headmaster

Email: zlehman@thehill.org
Direct Line: 1.610.705.1280

THE HILL SCHOOL

717 East High Street | Pottstown, PA 19464
www.thehill.org

Please click here to change your email preferences or unsubscribe.

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 JOHN DOE, : NO. 2:19-cv-01539
4 Plaintiff :

5 vs. :

6 MITCHELL :
7 GARABEDIAN, ESQ., :
8 LAW OFFICES OF :
9 MITCHELL GARABEDIAN :
and KURTIS N. :
10 POULOS, :
11 Defendants :

12 - - -

13 November 20, 2020

14 - - -

15 Continued remote videotaped
16 deposition of KURTIS N. POULOS, taken
17 pursuant to notice, at the location of
18 the witness, Milwaukee, Wisconsin,
19 commencing on the above date at or about
20 12:00 p.m. CT/1:00 p.m. EST, before
21 Eileen P. Barth, C.S.R., N.P.

22 - - -

23 GOLKOW LITIGATION SERVICES
24 Phone 877.370.3377 | Fax 917.591.5672
deps@golkow.com

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17 ALSO PRESENT:

18 Jeff Sindiong, Videographer
19
20 Karen Renee, Notary
21 (To remind witness of Oath)
22
23
24

1 DEPOSITION SUPPORT INDEX

2

DIRECTIONS NOT TO ANSWER:

3 PAGES: None

4 REQUESTS FOR DOCUMENTS OR INFORMATION:

PAGES: None

5

STIPULATIONS AND/OR STATEMENTS:

6 PAGES: 240

7 MARKED QUESTIONS:

PAGES: None

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Kurtis N. Poulos

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1 (It is stipulated by and
2 among Counsel for representative
3 parties that the sealing and
4 certification are waived, and that
5 all objections of any nature
6 except as to the form of the
7 question are reserved until the
8 time of trial.)

9 THE VIDEOGRAPHER: We are
10 now on the record. My name is
11 Jeff Sindiong. I am the
12 videographer for Golkow Litigation
13 Services. Today's date is
14 November 20th, 2020, and the time
15 on the screen is 12:07.

16 This is the continuation of
17 the remote deposition of Kurtis
18 Poulos, who I remind is still
19 under oath, and is being held in
20 the matter of John Doe versus
21 Garabedian, Esquire, et al.

22 Due to the nature of remote
23 reporting, please pause briefly
24 before speaking to ensure all

1 parties are heard completely.

2 Will counsel notify --
3 please identify themselves and who
4 they represent?

5 MR. JUBB: Good afternoon.
6 Lane Jubb of The Beasley Firm for
7 Plaintiff, and my colleague, Lou
8 Tumolo, may be joining in a few
9 moments.

10 MS. DOUGHERTY: Candidus
11 Dougherty from Swartz Campbell,
12 LLC on behalf of Mitchell
13 Garabedian.

14 THE VIDEOGRAPHER: Our court
15 reporter is Eileen Barth, and we
16 also have Karen Renee to make a
17 statement.

18 KAREN RENEE: Mr. Poulos,
19 I'm a notary with the State of
20 Wisconsin. You understand you are
21 still under oath from the
22 continuation, the oath that you
23 took yesterday. Do you understand
24 that?

1 THE WITNESS: I do
2 understand that.

3 KAREN RENEE: Thank you.

4 THE VIDEOGRAPHER: All
5 right. You may now continue.

6 BY MS. DOUGHERTY:

7 Q. Mr. Poulos, where are you
8 located today?

9 A. I'm in the office of my
10 apartment.

11 Q. Are you the only one in your
12 apartment other than Clifford, your dog?

13 A. Yeah. He's right here next
14 to me. He is my service dog.

15 Q. Okay. One second. All
16 right. Have you adjusted everything to
17 your satisfaction?

18 A. Yeah.

19 Q. Okay. Because you can't
20 fidget while we're asking questions
21 because it disrupts the court reporter
22 and the videographer. Okay?

23 A. Take the dep. So I'm trying
24 to keep him under control.

1 Q. Okay. Well, if you need a
2 minute to get situated, you can have it.
3 Are you good now?

4 A. Oh, I'm good.

5 Q. Okay. All right. So only
6 you and your dog, Clifford, are in your
7 house where you are testifying from
8 today; is that right?

9 A. Correct.

10 Q. Yesterday, you told us about
11 a Philadelphia criminal attorney that you
12 contacted in 2014; is that right?

13 MR. JUBB: Objection to the
14 form.

15 THE WITNESS: To the best of
16 my knowledge, I believe he was in
17 Philadelphia, yes, correct.

18 BY MS. DOUGHERTY:

19 Q. And since your testimony
20 yesterday, have you remembered the name
21 of the attorney that you contacted in
22 2014?

23 A. No, because I -- the only
24 person who would probably know that would

1 be my mother. And you guys told me I was
2 not allowed to speak to anybody about the
3 deposition, so I did not reach out to her
4 to find out the name.

5 Q. Your recollection is the
6 attorney you contacted in 2014 was a man?

7 A. Correct.

8 Q. How did you contact the
9 lawyer in 2014?

10 A. By phone.

11 Q. Is the only way that you
12 could refresh your recollection about the
13 identity of the lawyer you contacted in
14 2014 is to ask your mother?

15 A. Correct. And I don't even
16 know that she would have that information
17 readily at hand.

18 Q. Okay. So you didn't, like,
19 write down the attorney's name and put it
20 in that file that you talked about
21 yesterday? You didn't send any emails to
22 the lawyer you contacted in 2014? You
23 didn't -- you don't have any other
24 documents or anything that would reflect

1 the identity of the attorney that you
2 contacted in 2014?

3 A. No, I do not.

4 Q. When did you first decide
5 that you wanted The Hill School to pay
6 you back the cost of your tuition?

7 A. When they decided that they
8 were going to use those emails in such a
9 manner to provoke people to come forward,
10 but they weren't going to use them in a
11 manner that would actually help anybody
12 out.

13 Q. Okay. Just so we're clear,
14 I'm just going to show you the emails
15 that I think you're talking about and you
16 can identify them and confirm whether I'm
17 right or not.

18 As I said yesterday, I'm not
19 the best with sharing the screen, so I'm
20 going to give it a whirl.

21 All right. Can everybody
22 see a document that says The Hill School,
23 A Message From the Headmaster at the top?

24 A. Yes.

1 Q. Mr. Jubb showed you this
2 document that was marked P-16.242-43.
3 I'm going to mark the letter that's dated
4 April 23rd, 2016 with a Bates label of
5 P-16.242 to 43 as D-2.

6 So I'll scroll. I'll try to
7 be slow, but stop me if you need it
8 slower for you, Mr. Poulos.

9 A. No, I'm good. I have read
10 that too many times.

11 Q. Okay. So D-2, the April
12 23rd, 2016 letter that I think you said
13 you received over email, is this one of
14 the emails you're referring to that --

15 A. That is -

16 Q. -- caused you -- go ahead.

17 A. That was the first email
18 that I received from the school. And at
19 that time, like I said yesterday, I did
20 not want to -- how can you put this? I
21 didn't want to bring that part of my life
22 back into what was going to be my new
23 part of life.

24 Q. Did you receive the letter

1 reflected in D-2 in the format that you
2 see on your screen?

3 A. Correct.

4 Q. Was it attached to an email?
5 Was it in the body of an email?

6 A. I believe it was the body of
7 the email. There might have been a
8 preface saying, so, like, we're going to
9 -- but I don't believe it was an
10 attachment.

11 Q. But your recollection is the
12 communication you received from the
13 school in April 2016 looked just like
14 D-2; is that right?

15 A. Correct.

16 Q. And when you received the
17 April 23rd, 2016 letter from The Hill
18 School that's now been marked as D-2,
19 that is when you decided you wanted The
20 Hill School to pay you for the tuition
21 that you had paid to the school?

22 MR. JUBB: Objection.

23 THE WITNESS: No.

24 Incorrect.

1 BY MS. DOUGHERTY:

2 Q. I'm sorry. What was your
3 answer?

4 A. Incorrect. In April of
5 2016, I had already decided I was going
6 to move past the situation. It was --

7 Q. What was -- I apologize.

8 A. What was my initial
9 reaction?

10 Q. No, no. Finish your prior
11 answer first. I wasn't intending to
12 interrupt you. Just the Zoom -- you're
13 really tiny now because I have to share a
14 screen.

15 Are you done your prior
16 answer?

17 A. Repeat the question, please.

18 MS. DOUGHERTY: Ms. Barth,
19 are you able to read the question
20 back and the start of Mr. Poulos'
21 answer?

22 (Whereupon, the court
23 reporter read the referred-to
24 testimony.)

1 BY MS. DOUGHERTY:

2 Q. Is there more that you have
3 to add to that answer, Mr. Poulos, or is
4 that answer complete?

5 A. That's complete.

6 Q. When you received the April
7 23rd, 2016 letter from The Hill School
8 that's now been marked as D-2, what was
9 your reaction?

10 A. Honestly, I probably deleted
11 it and -- you know, after I read it and
12 felt at the time that it was -- in the
13 only terms I can say -- some sort of
14 propaganda where they already knew what
15 was going on, but they offered no actual
16 support to the alumnists.

17 Q. At the time when you
18 received the April 23rd, 2016 email --
19 I'm sorry -- letter that has been marked
20 as D-2, did you know who Zachary G.
21 Lehman -- L-E-H-M-A-N -- was?

22 A. Yeah, we had received
23 through alumnus letterhead or emails
24 saying basically there's a new

1 headmaster. And I knew the previous
2 headmaster very well.

3 Q. Did you ever meet Mr. Lehman
4 in person?

5 A. No.

6 Q. So Mr. Lehman wasn't the
7 headmaster when you attended The Hill
8 School; is that right?

9 A. No.

10 Q. Do you recall when you first
11 learned that Mr. Lehman was the
12 headmaster of The Hill School?

13 A. Not to a specific date or
14 year, no.

15 Q. Who was the headmaster of
16 The Hill School when you attended The
17 Hill School?

18 A. Mr. Doherty and his wife Kay
19 were very close friends of the family.

20 Q. Mr. Doherty and -- Mr.
21 Doherty was the headmaster of The Hill
22 School when you attended The Hill School?

23 A. Correct. He actually spoke
24 at my grandfather's memorial in

1 Washington, DC.

2 Q. And Mr. Doherty was the
3 headmaster for all three years that you
4 attended The Hill School; is that right?

5 A. He was there from -- when I
6 got, I guess, you could say permission or
7 whatever to join The Hill School
8 community, it was -- I believe Mr. Watson
9 was the headmaster. And then my freshman
10 year was Mr. Doherty's first year, and I
11 believe he stayed on a few years after I
12 graduated; maybe one or two.

13 Q. Did you send the April 23rd,
14 2016 letter that's been marked as D-2 to
15 your mother when you received it?

16 A. No, I did not.

17 Q. Did you share the April
18 23rd, 2016 letter that's been marked as
19 D-2 with anyone?

20 A. No, I did not, not
21 intentionally.

22 Q. So I'm showing you now the
23 document that has been previously marked
24 as D-1, which includes a series of emails

1 which starts with a November 20, 2017
2 email from Mr. Lehman to you.

3 A. Well, it wasn't just to me.
4 It was all alumni.

5 Q. Okay. So it's your
6 understanding that the November 20th,
7 2017 email, the start of which I have on
8 the screen for you now that has been
9 marked as part of D-1, was sent to all
10 alumni even though the "To" line just
11 indicates you?

12 A. Correct. I would assume
13 they sent it to all alumni. I could be
14 wrong, but that wouldn't be the first
15 time.

16 Q. Did you receive periodic
17 emails from The Hill School?

18 A. So for a period of time, I
19 had completely shut off all communication
20 with the school and I decided to rejoin
21 the community. And I would expect this
22 to be an email that went to all
23 alumni, not just me in particular. I
24 think it was just -- go ahead.

1 Q. No. Please finish.

2 A. I think it was just
3 something that they sent out to everyone
4 in the school.

5 Q. When did you rejoin The Hill
6 School community?

7 A. 2015.

8 Q. Why did you decide to rejoin
9 The Hill School community in 2015?

10 A. I personally thought it
11 would help me move on through what had
12 happened.

13 Q. When you say "through what
14 had happened," you're talking about the
15 sexual abuse by Mr. Ralston; is that
16 right?

17 A. Correct.

18 Q. How did you think rejoining
19 The Hill School community in 2015 would
20 help you move on from the sexual abuse by
21 Mr. Ralston?

22 A. The only way I can say this,
23 by going back to the scene of the crime
24 and knowing, like, it's over, it's --

1 that it is what it was. That was it.

2 There was nothing more than that. It was
3 just simple I want to find out what, you
4 know -- because they keep sending out
5 emails, sending letters asking for money.
6 So I figured I might as well just get on
7 the alumni chain. And I blocked them
8 from my email chain -- or from my email,
9 so I unblocked them.

10 Q. When did you block The Hill
11 School from your email chain?

12 A. I don't know. Probably
13 early 20' teens, like 2012, 2013.

14 Q. Is there something that
15 occurred that caused you to block The
16 Hill School from your email chain in, you
17 estimate, early 2012 or 2013?

18 A. It was just a matter of
19 overwhelming amounts of emails from them
20 asking for donations and it was turning
21 into a spam situation where it was, like,
22 every month, please donate to help build
23 this or this or this; plus, I didn't
24 really want to be reminded of the fact.

1 Q. When you say you didn't want
2 to be reminded of the fact, you're
3 talking about you didn't want to be
4 reminded of the sexual abuse by Mr.
5 Ralston?

6 A. Correct.

7 Q. So you mentioned a little
8 earlier today that when you received
9 emails from The Hill School, that's when
10 you decided you wanted The Hill School to
11 pay you the money you spent on tuition.

12 Is the email that I'm
13 showing you now that's reflected as part
14 of D-1 one of the emails you had in mind?

15 A. It's the second email, the
16 one that's on the screen right now.

17 Q. Okay. What was the first
18 email?

19 A. The first email was just
20 them acknowledging the fact that they
21 knew it was going on. The second one was
22 the fact that, not only are they
23 acknowledging it, but now they're
24 offering help to those who were abused at

1 the school. And I find that completely
2 fraudulent because it wasn't actual help
3 they were offering.

4 Q. So the first email was not
5 the April 23rd, 2016 letter that you
6 received via email that was marked as
7 D-2?

8 MR. JUBB: Objection to the
9 form.

10 THE WITNESS: That was the
11 first email that I received. And
12 in no way do they offer any sort
13 of resources. They say we invite
14 you or I invite you to read about
15 the resources and policies, but in
16 no way do they offer any sort of
17 resources on their behest. It's
18 more like we know this happened
19 and we're sorry, but move on with
20 your life.

21 So I did such as that. I --
22 I moved on. I had forgotten about
23 it for nearly a year, or over a
24 year.

1 BY MS. DOUGHERTY:

2 Q. So you're specifically
3 referencing the sentence here that says,
4 I invite you to read about Hill's
5 comprehensive resources and policies as
6 noted on our website that is in the
7 second paragraph of the first page of
8 D-2; is that right?

9 A. Correct.

10 Q. Did you go and look at the
11 comprehensive resources and policies that
12 are referenced in the last sentence of
13 the second paragraph of D-2?

14 A. I did not because they don't
15 have the resources and they don't really
16 care, to be honest.

17 Q. So when you received the
18 November 20th, 2017 email that was
19 previously marked as D-1 and which I now
20 have on the screen for you, this is what
21 -- that is when you decided that you
22 wanted The Hill School to pay you your
23 tuition?

24 (COURT REPORTER'S NOTE: Mr.

1 Jubb lost audio connection. After
2 reading back testimony, he is
3 placing an objection to the last
4 question.)

5 THE WITNESS: Yeah, because
6 I thought it was false
7 representation.

8 BY MS. DOUGHERTY:

9 Q. I think you mentioned that
10 when you received the email, you sent it
11 to your mom and then called your mom.

12 Did you decide before you
13 called your mom on November 20th, 2017 in
14 relation to the November 20th, 2017 email
15 that's been marked as D-1 that you wanted
16 The Hill School to pay you back your
17 tuition?

18 A. No. I honestly thought the
19 people that were named in this email were
20 there to help alumnists who had been
21 abused by teachers.

22 Q. Okay. And you're talking
23 about Leslie Gomez and Gina Smith who are
24 identified as child protection experts in

1 the paragraph that I've now scrolled down
2 for you which is on the first paragraph
3 on the third page of D-1; right?

4 A. That's -- exactly. And I
5 thought that was -- that was what made me
6 thought they were actually taking this
7 seriously and going to try to remedy the
8 situation, the systemic sexualization of
9 the students at the school.

10 Q. Okay. So when you first
11 received the November 20th, 2017 email
12 that's been marked as D-1 and called your
13 mom, your reaction was finally there's
14 going to be some assistance available to
15 help me with addressing the impact that
16 the sexual abuse by Mr. Ralston has had
17 on my life?

18 MR. JUBB: Objection.

19 THE WITNESS: It wasn't just
20 for me. It was atonability [sic].
21 I can take my lumps. I've taken
22 my lumps. They don't seem to need
23 to feel the need to take their
24 lumps. So I thought this was them

1 standing up and being, like, we
2 recognize what happened; it's time
3 for us to listen and move forward
4 in a progressive way so that it
5 doesn't happen again.

6 That's why I thought the
7 child protective -- or protection
8 experts were going to be
9 advocates.

10 BY MS. DOUGHERTY:

11 Q. So your initial reaction to
12 the November 20th, 2017 email that's been
13 marked as D-1 was not that you wanted
14 money from The Hill School, but that you
15 had a belief The Hill School was offering
16 assistance through these child protection
17 experts? Is that a fair
18 characterization?

19 MR. JUBB: Hold on. Can you
20 hear me?

21 MS. DOUGHERTY: I'm sorry.

22 MR. JUBB: I've been waving
23 my hands for two minutes. I
24 haven't been able -- for whatever

1 reason, my phone line cut out.

2 MS. DOUGHERTY: I'm sorry,
3 Mr. Jubb. I had -- you weren't on
4 my screen.

5 MR. JUBB: All right. I've
6 been waving my hands because I've
7 been talking. I haven't heard
8 anything you said.

9 So I'm going to need to go
10 off the record and reconnect with
11 the phone, please.

12 MS. DOUGHERTY: Okay.

13 THE VIDEOGRAPHER: We are
14 now going off the record. The
15 time is 12:32.

16 (Mr. Jubb is reconnected to
17 Zoom.)

18 (Whereupon, the court
19 reporter read the referred-to
20 testimony.)

21 MR. JUBB: Note my
22 objection. And then we can go
23 back on the record, and Mr. Poulos
24 can answer that.

1 THE VIDEOGRAPHER: We are
2 now back on the record. The time
3 is 12:43.

4 You may continue.

5 MS. DOUGHERTY: We briefly
6 just had a break off the record
7 where counsel, Mr. Poulos, Madam
8 Court Reporter, and Mr.
9 Videographer had a discussion to
10 address Plaintiff's counsel's loss
11 of sound for a number of questions
12 during the deposition.

13 The court reporter read back
14 the questions to where Mr. Jubb
15 believed he lost his audio
16 connection. We've listened to the
17 questions and answers. Mr. Jubb
18 has indicated where he wanted to
19 assert an objection where he
20 previously was not heard on the
21 record to assert an objection, and
22 now we're going to resume with the
23 court reporter reading back my
24 last question and Mr. Poulos

1 answering the question.

2 Is that fair a
3 characterization, and does
4 everybody agree that -- Mr. Jubb
5 in particular, do you agree that
6 you've had a fair opportunity to
7 hear the questioning that you
8 missed and assert your objections?

9 MR. JUBB: I agree so long
10 as the next question that's
11 re-read by the court reporter is
12 the same one we left on during the
13 record. I don't think that's
14 going to be an issue, but we're
15 ready to continue.

16 (Whereupon, the court
17 reporter read the following:

18 "Q. So your initial
19 reaction to the November 20th,
20 2017 email that's been marked as
21 D-1 was not that you wanted money
22 from The Hill School, but that you
23 had a belief The Hill School was
24 offering assistance through these

1 child protection experts? Is that
2 a fair characterization?")

3 THE WITNESS: Yes.

4 MR. JUBB: Note my
5 objection, and then answer.

6 THE WITNESS: Okay. Note
7 his objection, but yes.

8 BY MS. DOUGHERTY:

9 Q. When did your -- let me
10 start again.

11 Was there a time that your
12 reaction to the November 20th, 2017 email
13 that's been marked as D-1 changed?

14 A. Yeah. As soon as I found
15 out that they weren't actual child
16 protection experts, they were attorneys,
17 it, frankly, pissed me off because that's
18 -- I -- without going into too much, I
19 guess I can say it, I believe it's under
20 false pretenses that they want to help
21 people and protect people and provide
22 information anonymously, but they don't
23 actually provide any of those services.
24 They're attorneys. They're looking out

1 for their client.

2 Q. When did you learn that --
3 I'm going to start again.

4 The "they" in your answer is
5 referring to Leslie Gomez and Gina Smith;
6 is that right?

7 A. Correct. And The Hill
8 School.

9 Q. When did your reaction
10 change to -- let me start again.

11 When did your reaction to
12 the November 20th, 2017 email that's been
13 marked as D-1 change to, I guess, being
14 pissed off?

15 A. It changed when I found out
16 that they weren't child protection
17 experts when I received a phone call from
18 my mother saying she had, you know,
19 researched both of them and recognized
20 both of them as actual attorneys and not
21 child protection experts, so to speak.

22 Q. When was that telephone call
23 from your mother where your mother
24 expressed to you her belief that the

1 child protection experts were attorneys?

2 A. Twenty minutes after I sent
3 her that email.

4 Q. So on November 20th, 2017,
5 your mother told you her belief that Ms.
6 Gomez and Ms. Smith were attorneys; is
7 that right?

8 A. Correct.

9 Q. And then when your mother
10 informed you that Ms. Smith and Ms.
11 Gomez -- according to, at least, her
12 research -- were attorneys, is that when
13 you decided that you wanted The Hill
14 School to pay you your tuition?

15 A. Not initially, no.

16 Q. When? What do you mean,
17 "not initially"?

18 A. Initially, I was just upset.

19 Q. Was there a time when your
20 attitude changed from being upset to
21 something else?

22 A. Yeah, after speaking with my
23 girlfriend at the time and thinking it
24 over and feeling that the school was

1 purposely deceiving everybody who
2 received that email.

3 Q. Your girlfriend at the time
4 was Emily who we talked about yesterday;
5 is that right?

6 A. Correct.

7 Q. So when was it that your
8 attitude changed?

9 A. Minutes. Hours. I don't
10 know. It was growing. It's so deceitful
11 in the way it's verb -- like, the
12 verbiage of that email is so deceitful,
13 that I felt insulted.

14 Q. So close in time to --
15 within days of November 20, 2017, that's
16 when you decided that you wanted The Hill
17 School to pay your tuition; is that fair?

18 MR. JUBB: I'll object.

19 THE WITNESS: Are you done?

20 Yeah, that's -- within a day
21 or two, maybe a week. I don't...

22 BY MS. DOUGHERTY:

23 Q. So you decided that you
24 wanted The Hill School to pay you back

1 your tuition within a couple days, maybe
2 a week, of receiving the November 20th,
3 2017 email; is that correct?

4 MR. JUBB: Objection.

5 THE WITNESS: It wasn't so
6 much about the tuition. It was so
7 much about them taking
8 responsibility for writing a
9 letter that tries to be, like,
10 we're being proactive, and it's
11 total BS, excuse my language. But
12 they're trying to say they're
13 being advocates for the people
14 that were abused at that school
15 over decades.

16 It wasn't just my class.
17 This was what I said before:
18 Systemic. And it's insulting
19 because the one thing I took away
20 was we were told to stand up --
21 sorry. Sorry.

22 That school always told us
23 that we should stand up for what's
24 right, but they won't do the same

1 thing. And I don't understand why
2 that's so difficult for them to
3 understand.

4 Like, when you drive on the
5 campus, it's whatsoever things are
6 true. They teach you to be a man;
7 stand on your own. And then at
8 the same time, they're so willing
9 to rip the rug out from underneath
10 your feet and be, like, not our
11 fault, but thanks, take care.

12 BY MS. DOUGHERTY:

13 Q. Was it your perception that
14 the fact that the -- well, let me start
15 again.

16 When you said -- was
17 there something -- let me start again.

18 Was there something in
19 particular about the November 20th, 2017
20 email that's been marked as D-1 that made
21 you feel as though The Hill School was
22 not taking responsibility?

23 A. No.

24 MR. JUBB: Objection.

1 THE WITNESS: Not at all. I
2 thought they --

3 Sorry, Lane. Do your thing.

4 MR. JUBB: No. That's it.
5 That's how speaking objections
6 are -- or excuse me. That's how
7 objections are, just object to the
8 form.

9 Go ahead.

10 MS. DOUGHERTY: Mr. Poulos,
11 just -- we can have my question
12 read back.

13 But just so we stop having
14 this problem because -- I mean, I
15 think Mr. Poulos is probably
16 pausing to make sure Lane has an
17 opportunity to speak before he
18 answers.

19 BY MS. DOUGHERTY:

20 Q. When Mr. Jubb says the word
21 "objection," it's understood that his
22 objection is to the form of my question,
23 which means that it could be a question
24 that he thinks is leading when it

1 shouldn't be leading, that I've made a
2 mistake in my question, that I've asked a
3 confusing question, that I've asked a
4 compound question, that I'm meaning
5 multiple questions in one, that I've
6 perhaps characterized testimony, that
7 I've -- I think I already said misstated
8 a fact -- or didn't have a verb and a
9 noun, that type of thing, he's got an
10 actual problem with my question, the form
11 of it.

12 If Mr. Jubb wants to
13 complain about something else, then
14 you'll see his mouth continue to move and
15 he'll let me know what his issue is.

16 But when he says the word
17 "objection," it's understood that it's
18 form. And unless he says more, which I
19 think you probably would know before you
20 started to speak, that's it, and you can
21 just answer.

22 I might say to him, what's
23 the problem with my question, which I
24 think you've heard me say a couple times,

1 and he may have said it to me too when I
2 said the word "objection," and then we'll
3 discuss it.

4 But the purpose is that I
5 ask my question, Mr. Jubb takes his
6 position, as I did with some of his
7 questions, that one of us has an issue
8 with the form. It alerts the questioner
9 that they have an opportunity to restate
10 their question to fix it or to ask the
11 other attorney what the problem is so
12 that the question can be restated.

13 So just so you understand.
14 I realize that you don't conduct
15 depositions for a living. I don't recall
16 whether you said you ever participated in
17 a deposition before. We probably should
18 have, as an informative matter, explained
19 that to you at the beginning of the
20 deposition I think as the court, as you
21 pointed out, suggested we do. But we did
22 not do that.

23 So that's just information
24 for you to use and know that you can just

1 answer if, you know, nothing further
2 occurs between Mr. Jubb and I.

3 And I invite Mr. Jubb to add
4 or correct anything he thinks was wrong
5 about the information that I just
6 provided to you, Mr. Poulos.

7 MR. JUBB: You can answer
8 the question.

9 MS. DOUGHERTY: Madam Court
10 Reporter, can you please read back
11 the question?

12 (Whereupon, the court
13 reporter read the following:

14 "Q. Was there something in
15 particular about the November
16 20th, 2017 email that's been
17 marked as D-1 that made you feel
18 as though The Hill School was not
19 taking responsibility?")

20 THE WITNESS: And I can
21 answer now?

22 BY MS. DOUGHERTY:

23 Q. Yes.

24 A. No. I thought it was a

1 moment for them to actually take
2 accountability without escalating the
3 matter.

4 Q. I'm sorry. So you thought
5 that The Hill School -- strike that.

6 Once you learned that Ms.
7 Gomez and Ms. Smith were lawyers for The
8 Hill School -- you know what? Strike
9 that.

10 When did you first decide
11 that you wanted The Hill School to pay
12 you back your tuition?

13 MR. JUBB: Objection to the
14 form.

15 THE WITNESS: The moment I
16 found out that they had falsely
17 represented people to help people
18 when it wasn't the fact. That's
19 never what they intended to do.
20 At least overall, it does not seem
21 like that's what they intended to
22 do, was actually help people going
23 forward or alumnists who had
24 already dealt with the situation.

1 BY MS. DOUGHERTY:

2 Q. So you decided to come
3 forward and report the sexual abuse by
4 Mr. Ralston when you learned that Ms.
5 Gomez and Ms. Smith were not child
6 protection experts, but in fact lawyers
7 for The Hill School; is that fair?

8 A. Correct.

9 MR. JUBB: Objection.

10 BY MS. DOUGHERTY:

11 Q. What did you have in mind by
12 coming forward to report the sexual abuse
13 by Mr. Ralston?

14 A. Rephrase, please?

15 Q. Sure. How did you intend to
16 come forward and report the abuse by Mr.
17 Ralston?

18 A. I intended that the school
19 starts to recognize the systemic
20 sexualization of the students even before
21 it became a co-gender boarding school.
22 We had issues when it was a single gender
23 school, and it became even worse when it
24 became a co-gender school with teachers

1 impregnating and sleeping with -- maybe
2 not impregnating -- but sleeping with
3 their female students.

4 And it's like I said before
5 yesterday. This is a legacy for my
6 family. So to say I went to a school
7 where this happened, it doesn't really
8 coincide with what I believe that school
9 was intentionally or initially built for.
10 It wasn't built to be this cesspool of
11 teachers taking advantage of students,
12 whether male or female now, and that's
13 what it's become.

14 And this is a precipe of
15 them knowing that it's happening and
16 acknowledging that it's happening, but
17 not fully taking responsibility for what
18 has happened.

19 Q. Okay. So as I understand
20 your testimony, you received the November
21 20th, 2017 email that's been marked as
22 D-1; you initially considered contacting
23 Ms. Gomez or Ms. Smith because you
24 believed them to be child protection

1 experts that could provide assistance;
2 you learned that Ms. Gomez and Ms. Smith
3 were lawyers; you then believed that the
4 school was not taking responsibility and
5 decided you were going to do something;
6 correct?

7 A. Correct. Correct.

8 Q. What did you decide you were
9 going to do?

10 A. Reach out to an attorney.

11 Q. Why did you think you needed
12 to reach out to an attorney?

13 MR. JUBB: Note my
14 objection.

15 THE WITNESS: Again -- again
16 a lot of this -- putting it so
17 delicately, there are a lot of
18 families -- including the
19 president's sons who have gone to
20 this school -- there are a lot of
21 legacies. You know, Oliver --
22 there's so many people that have
23 gone to this school where this
24 could ultimately maybe change

1 their lives, whether they
2 experienced it or not.

3 But, you know, to have
4 generations of people who have
5 gone to this school, who felt
6 empowered by going to this school
7 and then to be abused and the
8 school is just sitting there and
9 going, well, thanks for your
10 money, we're going to build a
11 building and put your name on it,
12 maybe we'll put a plaque in the
13 chapel, it seems so disconcerting.

14 BY MS. DOUGHERTY:

15 Q. So you wanted to do
16 something to have The Hill School change
17 its practices; is that fair?

18 MR. JUBB: Objection to
19 form.

20 THE WITNESS: Yeah.

21 BY MS. DOUGHERTY:

22 Q. What did you think a lawyer
23 was going to do to assist you in your
24 objective of causing The Hill School to

1 change its conduct?

2 MR. JUBB: Same objection.

3 THE WITNESS: Maybe just
4 start treating your students like
5 human beings and not paychecks.

6 BY MS. DOUGHERTY:

7 Q. You believe that a lawyer
8 would be able to do something to assist
9 you to make The Hill School treat its
10 students like human beings instead of
11 paychecks; is that right?

12 A. Correct.

13 Q. What did you think a lawyer
14 was going to do to help you cause The
15 Hill School to treat its students like
16 humans instead of paychecks?

17 MR. JUBB: Note my
18 objection.

19 THE WITNESS: It's a matter
20 of accountability.

21 And if I could be so --
22 Lane, you wanted me to be
23 accountable yesterday. You wanted
24 to pull up all of my back history.

1 So why doesn't your client, The
2 Hill School, want to pull up their
3 accountability for the decades if
4 not nearly two centuries?

5 BY MS. DOUGHERTY:

6 Q. Okay. Mr. Poulos, you
7 wanted The Hill School to be held
8 accountable for its involvement in the
9 sexual abuse by Mr. Ralston against you;
10 is that fair?

11 MR. JUBB: Note my
12 objection.

13 THE WITNESS: That is fair.

14 BY MS. DOUGHERTY:

15 Q. And is it also true that you
16 wanted The Hill School to be held
17 accountable for its involvement in the
18 sexual abuse of any other student that
19 has attended The Hill School?

20 A. Yes.

21 MR. JUBB: Same objection.

22 BY MS. DOUGHERTY:

23 Q. And you believe that hiring
24 an attorney was the way that you could

1 make The Hill School be held accountable
2 for its participation in the sexual abuse
3 that you sustained from Mr. Ralston?

4 MR. JUBB: Objection.

5 BY MS. DOUGHERTY:

6 Q. Is that right?

7 A. I believe -- I'm sorry.

8 Q. Go ahead.

9 A. I honestly believed that
10 when I received this email that's on my
11 computer screen, they wanted to progress
12 to start helping people.

13 You know, making me whole is
14 never going to be about the money.
15 That's fine. I can accept that. The
16 issue is the systemic way they are going
17 about covering up.

18 And I could have --
19 honestly, I could have just been like,
20 you know what, I'm going to call The New
21 York Times, The Boston Globe, The
22 Washington Post. You know, I could have
23 called any of those. I decided that I
24 thought it would be better to speak with

1 them through an attorney without being
2 emotional.

3 Q. So just directing your
4 attention back to D-1, the first
5 paragraph of Page 3, the first sentence
6 says, I extend an invitation to any Hill
7 School community member who wishes to
8 share his or her experiences with the
9 school or, if appropriate, with law
10 enforcement.

11 Second sentence: I also
12 encourage any students, parents, alumni,
13 or staff to reach out directly to the
14 school to share your observations and
15 feedback.

16 Is there a reason that you
17 individually did not reach out to the
18 school directly to share your experiences
19 with Mr. Ralston?

20 MR. JUBB: Objection to the
21 form.

22 THE WITNESS: With Mr.
23 Ralston or Mr. Zelman [ph]?

24 BY MS. DOUGHERTY:

1 Q. I'm sorry. I want to
2 know --

3 A. Or Lehman.

4 Q. I want to know if there's a
5 reason why you, Mr. Poulos, as compared
6 to contacting a lawyer to do it for you,
7 why you, Mr. Poulos, did not reach out
8 directly to the school to share your
9 experiences or the sexual abuse or report
10 the sexual abuse by Mr. Ralston?

11 MR. JUBB: Objection to the
12 form. Asked and answered.

13 THE WITNESS: It wasn't
14 asked and answered because I
15 haven't answered.

16 BY MS. DOUGHERTY:

17 Q. It's okay. You can just
18 ignore him. Do you want me --

19 A. And don't laugh. This isn't
20 a laughing matter.

21 Q. Oh, I'm not laughing. I
22 think it's very serious.

23 A. No. He was laughing.

24 MR. JUBB: I didn't laugh at

1 all. And the audio should
2 absolutely reflect that, and we
3 should save it, of who apparently
4 laughed.

5 BY MS. DOUGHERTY:

6 Q. No, Mr. Poulos. I don't
7 think Mr. Jubb was laughing. I think he
8 was -- he leaned down when he was
9 talking. It may have looked like that,
10 but I don't think he was laughing, but,
11 you know, I can't speak for him. But
12 that's -- so it's okay.

13 He's allowed to assert
14 objections. I'm telling you to ignore it
15 because I care very deeply about what
16 your answers are and I want them to be
17 your answers that are not distracted by
18 objections. So here's --

19 MR. JUBB: That time I
20 laughed.

21 MS. DOUGHERTY: Well, I
22 don't know why. I mean, that's
23 disrespectful.

24 MR. JUBB: No. I laughed at

1 that comment from you considering
2 yesterday's objections.

3 THE WITNESS: You know what?
4 Then I'm just going to end this
5 whole thing.

6 You want my answer?

7 BY MS. DOUGHERTY:

8 Q. I want -- I want to --

9 A. Stop talking.

10 Q. Okay.

11 A. You want my answer about why
12 I didn't call the school? Because they
13 don't care.

14 Is that funny now, Lane
15 Jubb? They don't care.

16 MR. JUBB: Mr. Poulos,
17 please don't ask me questions.
18 I've never ever laughed at
19 anything you have said. Please.
20 And the audio will reflect that.

21 So please make sure that
22 that's saved and we can go over
23 that again.

24 BY MS. DOUGHERTY:

1 Q. Yeah, Mr. Poulos. When Mr.
2 Jubb said he was laughing, he was
3 laughing at me. That's fine.

4 So, Mr. Poulos, you believed
5 that you needed a lawyer to assist you in
6 reporting this sexual abuse by Mr.
7 Ralston to The Hill School because you
8 believed The Hill School didn't care; is
9 that right?

10 MR. JUBB: Objection.

11 THE WITNESS: Correct. They
12 didn't care about pretty much
13 anything that ever happened to any
14 student that was not reflective of
15 a Hill School student in a
16 positive way.

17 BY MS. DOUGHERTY:

18 Q. And your objective was to
19 make The Hill School take accountability
20 for its involvement in the sexual abuse
21 that you sustained by Mr. Ralston in an
22 appropriate way, I think you expressed it
23 in a nonpublic way, by not going to the
24 press; is that right?

1 MR. JUBB: Objection.

2 THE WITNESS: That's
3 correct. That's correct,
4 Candidus.

5 BY MS. DOUGHERTY:

6 Q. When did you decide to --
7 let me start again.

8 When did you decide that you
9 should retain an attorney to assist you
10 in holding The Hill School accountable
11 for the abuse by Mr. Ralston?

12 MR. JUBB: Same objection.

13 THE WITNESS: There wasn't a
14 specific time. It was more of a
15 matter of principle over a period
16 of time where I thought this can't
17 continue; I can't be proud to go
18 to a school that accepts this.

19 BY MS. DOUGHERTY:

20 Q. I think you mentioned
21 yesterday in your testimony that you did
22 research regarding Mr. Garabedian before
23 you decided to retain Mr. Garabedian.

24 Did you research any other

1 lawyers besides Mr. Garabedian?

2 A. Yeah, but I couldn't tell
3 you their names.

4 Q. Did your mother suggest any
5 lawyers to you other than Mr. Garabedian?

6 A. Yes, she did; but I, again,
7 couldn't tell you their names.

8 Q. I'm going to take the share
9 screen down. Sorry.

10 Well, it's better now.

11 Was there a specific
12 criteria that you had in selecting an
13 attorney to assist you in holding The
14 Hill School accountable?

15 A. Somebody who I felt would
16 fight for the issue at hand, not just me.

17 Q. So you wanted a lawyer that
18 would fight for sexual abuse victims? Is
19 that what you mean by "the issue at
20 hand"?

21 A. Yeah. And it's not just --
22 it's not just, like, a male to male
23 thing, but it's -- it's this systemic
24 pedophilia that was going on at that

1 school where I thought, ultimately, if it
2 could be brought to light, the school
3 could ultimately just be, like, we're not
4 going to just send out random emails once
5 a year saying we know this, sorry, but
6 this shit happened, and call these random
7 women and they're going to help you, but
8 that they could actually help people.
9 That's what upsets me the most.

10 Q. What upsets you the most?

11 A. Because they're playing a
12 game.

13 Q. "They," The Hill School? Is
14 that who you're talking about?

15 A. Correct. It's not --

16 Q. What game do you think The
17 Hill -- I'm sorry.

18 A. It's not just the one
19 teacher. It's not just me. It's they
20 know what's going on; they turn a blind
21 eye until it gets too far.

22 And fortunately for the
23 young lady, she spoke up and told her
24 parents. I should have done the same

1 when I was her age. I didn't have that
2 strength.

3 But why would somebody want
4 to send their child to a school like that
5 knowing that there's a possibility of
6 some random teacher trying to sexually
7 abuse their students because they feel
8 ultimately in a situation of power?

9 And for me, it pissed me off
10 even more because, yes, my mother made
11 the decision that I would go to school
12 there because it was part of a legacy.

13 But I spent the money. It
14 wasn't her money; it was my money. It
15 was my life.

16 Q. I realize that you said you
17 didn't remember the specific attorneys
18 that you were researching when you
19 decided that you wanted to retain an
20 attorney to help you hold The Hill School
21 accountable.

22 But was there, and do you
23 remember, if there was --

24 MR. JUBB: Objection.

1 BY MS. DOUGHERTY:

2 Q. -- a reason that you
3 selected Mr. Garabedian over the other
4 attorneys?

5 MR. JUBB: Objection.

6 THE WITNESS: Like I said
7 yesterday, the only reason I chose
8 Mitchell was because, after
9 reading his background, it seemed
10 like he would be somebody who
11 could properly explain my case, I
12 guess, or -- this is very
13 uncomfortable for me to talk about
14 in general. And I talked to him
15 about it, and I told him that.

16 I just wanted somebody to
17 represent me who could -- who I
18 thought could do his best to
19 properly represent me to make sure
20 that this gets rectified.

21 BY MS. DOUGHERTY:

22 Q. Was there specific
23 information that you learned about Mr.
24 Garabedian during your research that led

1 you to believe Mr. Garabedian was the one
2 who could help you achieve your
3 objective?

4 A. Nothing more than the cases
5 that I'd read about.

6 Sorry. My phone is down
7 here.

8 Nothing more than I could
9 read about besides the fact that, you
10 know, he had fought a very long -- I
11 mean, that was the same sort of systemic
12 sexual abuse with the Catholic church,
13 and I felt that very much aligned with
14 what was going on with me and other
15 students at the school.

16 Q. So you read about cases that
17 Mr. Garabedian was involved in that
18 involved the Catholic church?

19 A. Correct.

20 Q. Were there other types of
21 cases -- or let me start again.

22 What type of cases did you
23 read about that Mr. Garabedian was
24 involved in that caused you to believe

1 Mr. Garabedian was the lawyer that could
2 assist you in achieving your objective?

3 A. That was pretty much the one
4 that set it up. I don't really remember
5 anything more than that.

6 And if you're trying to
7 infer if I saw the movie where he was
8 highlighted -- I think it's called
9 Spotlight -- I've never seen that movie.
10 So that had no --

11 Q. I'm not trying to infer
12 anything. I'm just trying to learn all
13 of the information that you found in your
14 research that led you to believe that Mr.
15 Garabedian was the lawyer that could
16 assist you.

17 I think you mentioned that
18 you read some cases, so I just want to
19 know what those cases were.

20 A. The only one that sticks out
21 in my mind is the one against the
22 Catholic church because that systemic
23 sexualization of minors in a situation
24 where they have no control or they feel

1 like they have no control, and it felt
2 like he was fighting for the person or
3 the people who were affected by this the
4 most. And I thought if anybody could
5 fight for this, it would be him.

6 Q. Other than cases, was there
7 any other information that you learned
8 during your research about Mr.
9 Garabedian?

10 A. I learned after that he was,
11 I guess, a character in -- or profiled in
12 the movie Spotlight. But again, I've
13 never watched that movie. I have no
14 desire to watch that movie because of
15 what it would -- what I'd have to relive
16 through those victims.

17 So he just felt like
18 somebody who could actually advocate for
19 people in my situation because he had
20 already done that.

21 I'm okay.

22 Q. Just to be clear, your
23 objective in retaining Mr. Garabedian was
24 so that Mr. Garabedian would provide you

1 legal services, not counseling or
2 something of that nature; is that right?

3 MR. JUBB: Note my
4 objection.

5 THE WITNESS: No, not
6 counseling; just legal advice and
7 a way to -- that's it. Just legal
8 advice and to make this
9 situation...

10 BY MS. DOUGHERTY:

11 Q. Are you done your answer
12 there?

13 A. Yeah.

14 Q. I wasn't sure if you were
15 still thinking.

16 A. No. I'm fine.

17 Q. I think you confirmed
18 yesterday, but just in case, what were
19 the fee terms of Mr. Garabedian's
20 retention?

21 A. I believe it was a
22 percentage, maybe 20 percent of...

23 Q. So you agreed to -- let me
24 start again.

1 So if you recovered money
2 from The Hill School, Mr. Garabedian
3 would receive a percentage of the amount
4 of money you recovered; is that correct?

5 A. Yes. That's why he was not
6 going to charge me upfront. He didn't
7 ask for a retainer.

8 Q. Did you pay any costs
9 associated with the representation of Mr.
10 Garabedian?

11 A. No, I did not.

12 Q. I'm trying to find my -- oh,
13 there it is. Okay.

14 All right. I'm going to
15 share my screen again, in theory. Sorry.
16 I cannot -- all right.

17 MR. JUBB: Can you identify
18 this one for me, Candy?

19 MS. DOUGHERTY: I'm trying
20 to move it so I can, but my -- I'm
21 not able to move it. Let me stop
22 the share. When I click on it or
23 use my keyboard to move it, it
24 seems like it's opening my email.

1 Let me try again. Let's
2 see.

3 There we go. Okay. I'm not
4 really sure what's going on.

5 BY MS. DOUGHERTY:

6 Q. Okay. I'm showing you a
7 document that I'm going to mark as D-3.
8 The documents reflect a series of emails,
9 and I believe it came from your mother,
10 first produced to Mr. Jubb and then
11 forwarded to me. Let's see.

12 At the top, it says -- top
13 left, 8/1/2020, and in the center, Swartz
14 Campbell, LLC, dash, Forward, colon, The
15 Interview. I don't think that this
16 document has been produced with a Bates
17 label, so I'm just sending it in the
18 manner in which -- I'm showing it to you
19 in the manner which I received it.

20 The bottom of the first page
21 of D-3 is what looks like an email. It
22 says, on Wednesday, December 13, 2017 at
23 11:43 a.m., Kurtis Froedtert -- and then
24 your email address -- wrote, colon.

1 Can you just read that
2 paragraph to yourself and let me know if
3 it reflects an email that you sent on
4 December 13, 2017, that being the
5 paragraph with the first email reflected
6 at the bottom of D-3?

7 Just wave when you've
8 satisfied yourself that you've read it
9 and can confirm whether it's an email you
10 wrote.

11 A. Yeah.

12 Q. Now that you've read the
13 email at the bottom of D-3, does D-3
14 refresh your recollection regarding the
15 fee terms that you agreed to when you
16 retained Mr. Garabedian?

17 A. Yeah. It says 20 -- 20 to
18 30 percent.

19 Q. And then it looks like
20 there's an email from your mother to you
21 December 13, 2017 going up from the
22 bottom of the page of D-3, and then
23 there's an email from you December 13,
24 2017 at 11:14 a.m. to your mother that

1 says, Okay. Thanks. My Dials, paren,
2 yearbooks, end paren, comma, diploma and
3 class jacket, comma, ring and tie were
4 all in a box that was lost in my move to
5 Maryland. I haven't seen them since I
6 lived at the house in Shorewood.

7 So what are you referring to
8 and why were you picking out your dials,
9 diploma and class jacket, ring and tie to
10 your mom in December 13, 2017?

11 A. I would assume it had
12 something to do with a phone call either
13 earlier that morning or the night before
14 because I have -- because I have none of
15 those -- so I have none of that.

16 And the dials, yes, the
17 yearbooks, my diploma, I don't have that,
18 my class jacket, the ring and the tie.
19 It was all marked in a box that said Hill
20 School that I kept in the basement of the
21 house in Shorewood.

22 And when I moved, I was
23 living in my childhood home that my
24 mother was no longer living in. So I

1 moved my property out of -- out of her
2 home so that she could sell it. That box
3 didn't show up.

4 There was a platinum ring,
5 my school jacket -- or graduating class
6 jacket, school tie, and the diploma.

7 Q. You moved to Connecticut in
8 2016; is that right?

9 A. Yeah. But this got lost
10 when I moved to Maryland.

11 Q. Okay. Oh, I see. You moved
12 to Maryland in 2012; right? Around
13 there?

14 A. No. I moved to Maryland in
15 2002, 2003.

16 Q. You're right. I apologize.
17 Okay.

18 So you moved to Maryland in
19 2002 from your childhood home?

20 A. Correct. My mother had
21 moved, and I had started to rent the
22 house from her with a couple of friends.

23 Q. And at least as of 2002
24 before you moved to Maryland, you had a

1 box that had The Hill School written on
2 it; is that right?

3 A. Yeah. It had my
4 grandfather's graduation platinum -- or
5 his -- I don't know -- maybe it was
6 sterling silver -- plate. It's a
7 graduation plate. It had my graduation
8 jacket, my tie, my diploma. The only
9 thing I think I took out of it was a
10 blanket, which my mother still has.

11 Q. Was there anything else in
12 the box that you recall?

13 A. No, because as soon as I
14 graduated, I just put it all in a box.

15 Q. Did you have any -- it was
16 just one box; right? There wasn't
17 multiple boxes of Hill School stuff?

18 A. No. It was a small box. It
19 wasn't like a box. It was just a
20 12-by-12-by-10 box.

21 MS. DOUGHERTY: Could we
22 just take a five-minute comfort
23 break, if that's okay with
24 everybody?

1 MR. JUBB: That's fine.

2 MS. DOUGHERTY: Maybe if you
3 want to do a little bit longer --
4 oh, I'm sorry. You're going to go
5 off the record?

6 THE VIDEOGRAPHER: We are
7 now going off the record. The
8 time is 1:35.

9 (Whereupon, a brief recess
10 was held.)

11 THE VIDEOGRAPHER: We are
12 now back on the record. The time
13 is 1:46.

14 You may continue.

15 BY MS. DOUGHERTY:

16 Q. Mr. Poulos, what did you
17 think that Mr. Garabedian would do to
18 hold The Hill School accountable?

19 MR. JUBB: Objection.

20 THE WITNESS: Bring to light
21 what happened over decades.

22 BY MS. DOUGHERTY:

23 Q. Is there something specific
24 that you wanted Mr. Garabedian to do to

1 hold the school accountable?

2 A. Bring to light.

3 Are you objecting, Lane?

4 I just wanted it to be
5 brought to light.

6 Q. Is it a fair
7 characterization that you left it to Mr.
8 Garabedian to decide the appropriate
9 manner to pursue holding a school
10 accountable and bringing to light the
11 circumstances of the abuse?

12 MR. JUBB: Objection.

13 THE WITNESS: Sure. And I
14 thought it would go through the
15 proper channels.

16 BY MS. DOUGHERTY:

17 Q. A few times you've
18 referenced other instances of
19 improprieties between faculty of The Hill
20 School and students. You referred to it
21 as a systemic problem.

22 Can you please tell me all
23 the other instances of improprieties that
24 you have in mind and have been referring

1 to?

2 A. Do you want specific names?
3 Because I don't feel comfortable doing
4 that. It's not my place.

5 Q. Why don't you start with a
6 list of what you're comfortable telling
7 me, and then we can go from there?

8 A. I know that there was or
9 there were teachers sleeping with
10 students -- male, female -- because when
11 I attended, it was all male. I do know
12 that there were teachers who were
13 sleeping with other teachers. I do know
14 that there were teachers abusing
15 students.

16 And for certain students --
17 and again, now being 42 years old, I
18 understand that that's not right, but
19 certain -- certain kids, I guess at the
20 time, you could say took it as a badge of
21 honor, like I'm a student and I get to
22 sleep with one of my teachers.

23 And it was well known
24 because we would watch them walk off

1 campus.

2 Q. Okay. So just so I have the
3 list correct, there were instances of
4 teachers sleeping with students, teachers
5 sleeping with other teachers, and
6 teachers abusing students; is that right?

7 A. Correct. And teachers
8 cheating on their spouses.

9 Q. Teachers cheating on
10 spouses, you mean with other teachers or
11 students?

12 A. Both.

13 Q. Both. Okay.

14 So let's start with the
15 first on your list, teachers sleeping
16 with students.

17 While you were a student at
18 The Hill School, it's your belief that
19 teachers were having sex with students;
20 is that right?

21 A. That's correct.

22 Q. At the time you attended The
23 Hill School, all the students were male;
24 is that correct?

1 A. Correct.

2 Q. And I think you said male,
3 female in your answer. What did you mean
4 when you said male, female?

5 A. Well, it was female teachers
6 sleeping with male students.

7 Q. Were male teachers also
8 sleeping with male students?

9 A. There was rumors of abuse
10 between male teachers and male students.

11 Q. What type of abuse did you
12 learn about -- well, let's do it this
13 way.

14 Let's put aside your
15 experience. At the moment, I'm just
16 asking for instances of inappropriate
17 contact between teachers and students
18 other than you. Okay?

19 So you said that there were
20 reports of abuse by male teachers on male
21 students. Were those reports of abuse by
22 male teachers on male students abuse of
23 students other than you?

24 A. Not at the time, no.

1 Q. Okay. So when you were
2 attending The Hill School, you weren't
3 aware of abuse by a male teacher on a
4 male student other than the abuse that
5 you sustained from Mr. Ralston; is that
6 correct?

7 A. I was waiting for an
8 objection.

9 But yes, I was aware that
10 there was improprieties by a certain
11 teacher towards certain students. It was
12 known throughout the campus, but no one
13 in the faculty stepped forward.

14 Q. Okay. We'll get to that,
15 but I just want to confirm for the moment
16 that the impropriety by a male teacher --
17 let me start again.

18 The abuse by male teachers
19 to male students -- let me start again.

20 Were there abuse by male
21 teachers to male students other than the
22 abuse that you sustained from Mr.
23 Ralston?

24 A. I believe so, yes.

1 Q. How many -- let me start
2 again.

3 Was the abuse by more than
4 one teacher?

5 A. To my knowledge, yes.

6 Q. So more than one male
7 teacher abused male students other than
8 you while you were at The Hill School; is
9 that right?

10 A. Correct.

11 Q. How many male students
12 abused -- let me start again.

13 How many male teachers
14 abused male students when you were at The
15 Hill School?

16 A. I can't say for sure.

17 Q. How many -- let me start
18 again.

19 How did you learn that there
20 was abuse by male students -- I keep
21 doing this.

22 You're uncomfortable naming
23 the parties involved; is that right?

24 A. One of them is deceased, so

1 I don't find it proper to talk about
2 somebody who's dead.

3 Q. All right. So the deceased
4 person is a male teacher; right?

5 A. Correct.

6 Q. What other male teachers
7 abused students while you were at The
8 Hill School?

9 A. I don't feel comfortable
10 naming them by name in case I could be
11 called liable because, again, this is --
12 it's a small community. And again, these
13 were at times maybe rumors, but at times
14 they were -- I should say the other
15 students were so boisterous about the
16 fact that they were sleeping with female
17 teachers, it's kind of hard to discern
18 which is fact and which is fiction, if
19 you understand that. And --

20 Q. I understand. Keep going.

21 A. No. Go ahead.

22 Q. All right. How about we do
23 this? Why don't -- at the moment, I'm
24 just asking about male teachers who

1 abused male students. Okay?

2 I think -- hold on -- we
3 have Mr. Ralston who abused you. Then we
4 have a deceased teacher. And then who
5 else? And if you would like, you can
6 call them John Doe 1, 2, like that.
7 We'll start that way.

8 So we have Mr. Ralston who
9 is a male teacher who abused a male
10 student, you; we have a deceased male
11 teacher who abused male students. Who
12 else, if anyone?

13 A. I can think of John Doe #1.
14 That's it.

15 Q. And John Doe #1 is a male
16 teacher who you believe abused a male
17 student and is not Mr. Ralston or the
18 deceased male teacher; is that right?

19 A. Correct. And if I could
20 make a statement, I don't know that it
21 was so much physical as -- given our
22 situation with our living, you know,
23 quarters and showering quarters, it was
24 more a matter of every time kids went to

1 go and take showers, he managed to just
2 happen to pop in and be, like, oh, just
3 wanted to make sure that you guys are all
4 getting clean after sports before you go
5 to dinner.

6 And that's, pardon my
7 French, creepy as hell to just be, like,
8 oh, yeah, I'm just peeking in. It's like
9 what the president said: I just walked
10 through the pageant because I own it and
11 I get to look at people. It's overall
12 creepy.

13 Q. The "he" you're talking
14 about --

15 A. So maybe --

16 Q. I apologize. Keep going.

17 A. No. Go ahead.

18 Q. I just want to confirm the
19 "he" you're talking about here is John
20 Doe #1?

21 A. Yes.

22 Q. It is my intention to ask
23 you about each instance. I was just
24 trying to decide a way that we could

1 refer to the people in a way you were
2 comfortable.

3 So let's start with John Doe
4 #1. So your belief about John Doe #1's
5 abuse towards male students is that he
6 observed male students taking showers
7 when you were a student at The Hill
8 School; is that correct?

9 A. Correct. Correct.

10 Q. Did John Doe #1 ever observe
11 you when you were taking a shower while
12 you were a student at The Hill School?

13 A. I would imagine, yes,
14 because we had communal showers in some
15 of the buildings, so we didn't have a
16 choice.

17 Q. Well, how did you learn that
18 John Doe #1 was observing students taking
19 showers?

20 A. Because he was just always
21 there right after we got in the showers.
22 So I stopped taking showers there.

23 Q. So you -- when you -- so you
24 saw John Doe #1 watching the showers when

1 you went to take a shower on at least one
2 occasion; is that right?

3 A. On multiple occasions.

4 Q. How many times did you
5 observe John Doe #1 watching the showers
6 when you were going to take a shower?

7 A. Freshman year, at least a
8 dozen. That's why I stopped showering
9 after getting ready -- you know, getting
10 ready to go back to my dorm to go to
11 dinner.

12 Q. During what trimester did
13 these --

14 A. That would be the first
15 trimester of my third form year. So it
16 was -- if I could explain a little bit
17 because I don't know if any of you went
18 to a boarding school.

19 It's old. They don't have,
20 like -- or at least when I went there,
21 they didn't have, like, separated
22 individual showers. It was a shower
23 room.

24 So it's awkward enough that

1 you're around your peers. But to then
2 have a professor or your coach walk into
3 the room and just stand there and be,
4 like, shower up, guys, it's time to go,
5 that's creepy.

6 There was no separation. It
7 was just, like I said, a community, a
8 family. But at the end of the day, to
9 me, it felt creepy. And it got creepier
10 the more that they just stood there and
11 watched, because you can tell your
12 lacrosse team or, you know, the kids
13 working out go and take a shower, expect
14 them to do it.

15 It was always awkward to
16 surround your peers, but then to have a
17 guy in his 30s or 40s standing there
18 making sure that you're taking a shower?
19 That doesn't make any sense to me. And,
20 frankly, it shouldn't make sense to
21 anybody.

22 Q. Did you report John Doe 1's
23 conduct to any other teachers or a coach?

24 A. No, because every -- sorry.

1 No, because everybody was, like, this is
2 normal; this is just the way it is, that
3 they're going to come in and check and
4 make sure that you're washing yourself.

5 But at the same time, they
6 completely contradict that by saying, oh,
7 we want you to be completely independent;
8 we want you to, you know, become these
9 grown individuals, yet they don't trust
10 us enough to take a shower for five
11 minutes, to put clothes on to go back to
12 our dorm?

13 None of that makes sense to
14 me. And the more I think about it, it's
15 inexcusable.

16 Q. So John Doe 1 made you
17 uncomfortable by watching you take a
18 shower, so you stopped taking showers
19 during the first trimester of your third
20 form year; is that correct?

21 A. Correct.

22 Q. Is there any other conduct
23 by John Doe 1 that was, in your opinion,
24 abuse of male students?

1 A. To my knowledge, no.

2 Q. Did you ever discuss John
3 Doe 1's, you called it a creepy conduct,
4 with any other student at The Hill
5 School?

6 A. It may have just been a
7 laughing, you know -- not a laughable
8 matter, but it was kind of, like, if I
9 could go with guy speak, it was, dude,
10 why is that guy always standing there, if
11 that makes sense. Like, why are -- why
12 does he have to come and make sure that
13 we're taking a shower. That doesn't make
14 sense.

15 And it's -- you know, it's
16 become more, obviously, inappropriate the
17 older you get to understand, like, there
18 was possible alternative reasons why he
19 was there.

20 But having a teacher come in
21 and, like, just stand there and be, like,
22 make sure and clean yourself, it's kind
23 of creepy.

24 Q. Do you remember any students

1 that you discussed John Doe 1's creepy
2 conduct with?

3 A. Like I said, it was just
4 kind of a running joke, like, why is he
5 here.

6 Q. Then the deceased male
7 teacher, what abuse do you believe that
8 the deceased male teacher engaged in,
9 again, just against male students at the
10 moment?

11 A. Well, because there were
12 only male students. He did have a hookah
13 party for his -- what he considered, you
14 know, his best students. So you kind of
15 feel -- it's weird because you kind of
16 feel like, oh, I want to be invited to
17 that party if he's smoking a hookah that
18 he got in India or, you know, Azerbaijan,
19 and he's got all these Persian rugs and
20 he wants you to hang out. You're kind
21 of, whoa, why wasn't I included. So you
22 want to be included.

23 But I later found out that
24 he was -- and again, I don't want to

1 speak ill of the dead. It's not my
2 place. But I would have to assume that
3 there was something else going on because
4 why would you invite 15- and 16-year olds
5 to smoke hookahs and hang out in your
6 apartment until 10:00, 11:00 o'clock at
7 night?

8 Q. Did you ever attend a hookah
9 party at the deceased male teacher's
10 apartment?

11 A. I never attended one of his
12 parties. I had been in his apartment, so
13 I could tell you exactly what it looked
14 like.

15 But, again, he was supposed
16 to be my teacher my fifth form year, but
17 I didn't attend fifth form year.

18 Q. Did the deceased male
19 student ever abuse you?

20 A. Deceased male teacher?

21 Q. Yeah. Excuse me. Let me
22 ask the question again.

23 Did the deceased male
24 teacher ever abuse you?

1 A. No. He was -- can I be
2 honest?

3 Q. Well, you have to be honest.
4 You're under oath.

5 So did the deceased male
6 teacher ever abuse you?

7 A. No, he didn't.

8 But, Lane, can you pull up
9 my senior page?

10 MR. JUBB: Ms. Dougherty,
11 I'm going to let you conduct your
12 deposition. Would you like me to
13 pull up his senior page?

14 BY MS. DOUGHERTY:

15 Q. Mr. Poulos, do you need the
16 senior page in order to answer my
17 question? If you do, that's fine.

18 A. I think it's tantamount to
19 my answer, yeah.

20 MS. DOUGHERTY: Okay. Mr.
21 Jubb, if you wouldn't mind --
22 because I don't have it easily
23 accessible -- if you would pull up
24 Mr. Poulos' senior page.

1 BY MS. DOUGHERTY:

2 Q. And then, Mr. Poulos, I'm
3 going to ask you to tell me first why you
4 asked Mr. Jubb to pull up your senior
5 page.

6 A. Because the teacher's
7 name --

8 Q. Wait. Let him pull it up.
9 I want to see what it is first.

10 A. Okay.

11 Q. I, unfortunately, didn't
12 commit your senior page to memory.

13 A. I didn't either. Lane found
14 more pictures of me my senior year than I
15 even knew I had.

16 Q. Oh, okay. I remember now.

17 MS. DOUGHERTY: Lane, could
18 you just scroll down so I can see
19 the Bates label?

20 BY MS. DOUGHERTY:

21 Q. Okay. So P-6.23 is your
22 senior page.

23 Okay. Mr. Poulos, why did
24 you ask Mr. Jubb to pull up your senior

1 page to answer my question of whether the
2 deceased male teacher abused you?

3 A. Because he didn't, but I did
4 mention him in the first line of my
5 senior page.

6 Q. Oh. The Zwerner?

7 A. Yeah.

8 Q. Is that what you're talking
9 about?

10 Oh, the line that Mr. Jubb
11 asked you about, it's a Zwerner, was
12 actually in reference to the deceased
13 male student who you believe abused
14 students during the time --

15 A. Deceased male --

16 Q. I keep doing that. Okay.
17 Let me start again.

18 It's a Zwerner sentence on
19 your senior page is in reference to the
20 deceased male teacher who you believe
21 abused students while you were a student
22 at The Hill School; is that right?

23 A. Correct. And again, I hate
24 to speak ill of the dead, but there were

1 too many instance where it's, like --

2 Q. Do you have information
3 about whether the deceased male teacher
4 abused other students while you were a
5 student at The Hill School?

6 A. I do.

7 Q. What information do you have
8 about abuse by the deceased male teacher
9 towards other students while you were a
10 student at The Hill School?

11 A. I'm not at liberty to say
12 because it would make me have to name
13 names. I just know --

14 Q. All right. Well --

15 A. -- if that makes sense.

16 Q. Are you able to describe
17 your information by using Student #1,
18 Student #2, rather than a student name?

19 A. I can tell you there were a
20 few students, say 1, 2, and 3, that were
21 invited to his apartment, and it wasn't
22 for studying. It was known that they
23 were going to go there, smoke the hookah,
24 hang out, and leave, whatever that meant.

1 Q. What do you mean, "leave"?
2 Is that what you said? Leave --
3 L-E-A-V-E?

4 A. Yeah. Like, when it's done,
5 it's done; get out.

6 MS. DOUGHERTY: Mr. Jubb,
7 could you end the screen sharing?
8 Thank you.

9 BY MS. DOUGHERTY:

10 Q. Okay. So what part of being
11 invited to the apartment smoking a hookah
12 and leaving in your view was abuse by the
13 deceased male teacher?

14 A. Well, we pretty much always
15 knew what was going to happen when they
16 went to the apartment.

17 Q. What do you mean, what was
18 going to happen when a student went to
19 the apartment?

20 A. It wasn't a hookah with
21 tobacco; it was a hookah with probably
22 weed and maybe something else. I'm only
23 conjecturing, so I cannot confirm. And I
24 want to make that very clear. This is

1 only conjecture. This is only --

2 Q. What do you mean by --

3 A. -- what I was told.

4 Q. So Student 1, 2, and 3 told
5 you that they smoked drugs at the
6 apartment of the deceased male teacher;
7 is that correct?

8 A. Correct.

9 Q. Were you told by three
10 different students that they smoked drugs
11 at the deceased male teacher's apartment?

12 A. At least three.

13 Q. And if you were directed by
14 a court to identify the three teachers --
15 or excuse me -- the three students that
16 you have in mind by name, you would be
17 able to identify the students by name?

18 A. Off memory? One. But the
19 one means he brought somebody else with
20 him, if that makes sense.

21 Q. Okay. So one student who
22 you can identify by name if the court
23 were to order you to identify the student
24 by name told you that he, along with two

1 other students smoked drugs at a deceased
2 male teacher's apartment; is that right?

3 A. Again, I'd like to preface
4 that by saying I can't confirm they were
5 smoking drugs. I can only state that I
6 know that they would go there and smoke a
7 hookah, and what I was told was talk
8 about history.

9 Q. I don't understand. So did
10 a student who you can name if directed to
11 name tell you that he and other students
12 smoked drugs at the deceased male
13 teacher's apartment? Yes or no.

14 A. No.

15 Q. What did the student who you
16 can identify by name tell you happened at
17 the deceased male teacher's apartment?

18 A. He would make dinner; they
19 would hang out, smoke the hookah -- I
20 don't know what was in the hookah -- and
21 a couple hours later, they'd wander back
22 into the dormitory.

23 Q. Just to be clear, I'm asking
24 about what the student who you could name

1 told you about what occurred at the
2 deceased male teacher's apartment.

3 So the student who you can
4 name told you that the deceased male
5 teacher made dinner, they hung out,
6 smoked a hookah, and he returned to the
7 dorm; is that right?

8 A. Correct.

9 Q. Is there something else that
10 the student who you can identify told you
11 about his time spent in the apartment of
12 the deceased male teacher?

13 A. No, there is not. There's
14 just the overall demeanor of what I
15 observed when he returned to the
16 dormitory.

17 Q. What did you observe when
18 the student returned to the dormitory
19 after spending time in deceased male
20 teacher's apartment?

21 A. Without -- to be so blunt,
22 he was high as hell.

23 Q. The student who you have in
24 mind who you can name by name, how old

1 was he when --

2 A. It would have been my fourth
3 form year. It was my fourth form year.

4 Q. And the student was also a
5 fourth former?

6 A. Correct.

7 Can I put something on the
8 record really quickly? I don't want to
9 put these guys in a situation where they
10 have to relive anything they had to go
11 through. Can I just say that?

12 Q. I mean, you can say that.

13 So the student who told you
14 -- let me start again.

15 The student who you could
16 name that you believe was high after
17 spending time in deceased male teacher's
18 apartment was not 18 at the time; is that
19 right?

20 A. No.

21 Hey, Lane, are you awake?

22 MR. JUBB: I'm here. Thank
23 you.

24 THE WITNESS: Just

1 wondering, because you keep
2 looking down.

3 MR. JUBB: I've got the sun
4 in my eyes, and I'm paying
5 attention. I know your reaction.
6 I'm just listening to her
7 questions. But thank you.

8 THE WITNESS: Just didn't
9 want to make sure that you were
10 texting somebody during a
11 deposition.

12 BY MS. DOUGHERTY:

13 Q. Are there any other
14 instances -- let me start again.

15 Is there any other conduct
16 by deceased male teacher other than
17 inviting students to his apartment to
18 smoke a hookah that you considered abuse?

19 A. Not to my knowledge.

20 Q. So I could show it to you if
21 you want, but you've told me a number of
22 times you've committed the email to
23 memory.

24 November 20th, 2017 email

1 from the school that's been marked as D-1
2 referenced on the second page conduct by
3 a deceased teacher. When you -- the
4 teacher --

5 MR. JUBB: Did my sound go
6 out? Oh, sorry.

7 MS. DOUGHERTY: You know
8 what? I got a message that my
9 Internet was unstable when you
10 said that, so...

11 MR. JUBB: You just paused.
12 I didn't know if I had another
13 issue. I apologize.

14 MS. DOUGHERTY: No. I might
15 be having an issue. Let me just
16 make sure.

17 BY MS. DOUGHERTY:

18 Q. I'm just going to start
19 again.

20 Did you have an
21 understanding about what Mr. Lehman was
22 referring to in his November 20th, 2017
23 email that's been marked as D-1 when he
24 referred to incidents involving conduct

1 decades ago by faculty members including
2 one who was deceased?

3 A. Like I spoke to yesterday,
4 yes.

5 Excuse me. I heard rumors
6 prior to my arrival about improprieties,
7 but at the same time, I can only address
8 what I heard while I was attending the
9 school.

10 And I wasn't about to
11 jeopardize myself or my cousin by saying,
12 oh, well, this guy is sleeping with this
13 teacher, this teacher is doing this, or
14 this is happening to me, because there
15 are a lot of legacies. Oliver Stone went
16 there. The President's sons went there.

17 Like, you don't talk about
18 it. You know it's happening, but you
19 don't talk about it.

20 Q. Do you have information
21 about any other deceased teacher other
22 than the deceased male teacher we talked
23 about who had hookah parties? Do you
24 know of any conduct by any other deceased

1 teacher that you considered improper or
2 abusive directed to students?

3 A. No, not at all. In fact,
4 the only other teacher I can think of who
5 has passed away was my English teacher my
6 fourth form year. And he made sure to
7 make us always feel inclusive, even to
8 the point where we got a skip Saturday
9 because it was our first class every
10 Saturday. And he was, like, skip class;
11 we're going to have class in your room,
12 we'll bring donuts, and we'll hang out
13 and have a quasi class, I guess I could
14 say.

15 Q. So when you identified
16 teachers sleeping with students, you
17 meant teachers having sex with students;
18 is that right?

19 A. I would assume so, yes.

20 Q. Do you have information
21 about any male teacher -- no. Let me
22 start again.

23 What do you mean you assume
24 so? I'm asking you what you meant. You

1 said teachers sleeping with students.
2 Did you mean teachers having sex with
3 students when you said "sleeping with
4 students"?

5 A. Can I -- the only way I
6 could verbiage -- like, put this in
7 proper verbiage is to say that maybe it
8 was boisterous high school students
9 saying, yes, I slept with so and so.
10 Could I say that I walked in on them?
11 No. But Jeremy Eichmann --

12 Q. Right. At the moment, I'm
13 just asking what you meant. You said
14 teachers sleeping with students. You
15 meant teachers having sex with students
16 when you said "sleeping with students";
17 is that right?

18 A. I would assume so, yes.

19 Q. No. There's no -- you can't
20 assume so. You said teachers sleeping
21 with students; correct?

22 A. I did say that because
23 that's what I was told by the student.

24 Q. Your definition of "sleeping

1 with" is having sex with; is that right?

2 A. Correct.

3 Q. I'm just making sure we have
4 our terminology correct.

5 A. Okay.

6 Q. Do you have information
7 about any male teacher having sex with
8 students while you were a student at The
9 Hill School?

10 A. Abusively, or just male on
11 male?

12 Q. Well, I'm not really sure
13 that sex between an adult and a minor can
14 ever be anything other than abuse, but --

15 A. Fair enough.

16 Q. -- I'm not characterizing it
17 at the moment.

18 I just want to know if you
19 have information about any teacher -- I'm
20 sorry -- any male teacher having sex with
21 a student while you were at The Hill
22 School.

23 A. Other than the deceased male
24 teacher, no.

1 Q. So you have information
2 about the deceased male teacher having
3 sex with a student while you were at The
4 Hill School?

5 A. Correct.

6 Q. Did the deceased male
7 teacher have sex with a male student?

8 A. Correct. We didn't have any
9 female students.

10 Q. That's what I thought, but
11 -- how -- what is the basis for your
12 information that deceased male teacher
13 had sex with a student while you were at
14 The Hill School?

15 A. Again, rumors and conjection
16 [sic].

17 Q. So a student told you that
18 someone had sex with deceased --

19 A. He had heard.

20 Q. Okay. Go ahead. Tell me.

21 A. Sorry. He had heard that
22 the deceased teacher had had relations
23 with another student at one of the
24 parties at his apartment, which was in

1 upper school on the first floor.

2 Q. Okay. So another student
3 told you that deceased male teacher had
4 sex with a different student during a
5 hookah party at deceased male teacher's
6 apartment; is that right?

7 A. Correct.

8 Q. Did more than one student
9 tell you that male -- deceased male
10 teacher had sex with a student?

11 A. Yes.

12 Q. How many students told you
13 that deceased male teacher had sex with a
14 student?

15 A. Maybe two or three.

16 Q. So maybe two or three
17 students told you that deceased male
18 teacher had sex with a student during a
19 hookah party?

20 A. Yeah. But as I stated
21 before, it was never my -- I'm not a
22 gossip. I never wanted to know that. It
23 was just something you eventually find
24 out.

1 Q. Did any of the students who
2 told you deceased male teacher had sex
3 with -- let me start again.

4 Based on what you were told,
5 did the deceased male teacher have sex
6 with more than one student?

7 A. Yes, in some form or
8 another. I'm not sure if it was oral or
9 -- I never asked. Like I said, I was not
10 the gossip. I don't know the specifics,
11 so I don't know what form of. It was
12 just a matter of, oh, did you hear that
13 this happened with him.

14 Q. Did any of the students who
15 told you deceased male teacher had sex
16 with a student tell you that that
17 student -- the student telling you the
18 information -- had sex with deceased male
19 teacher?

20 A. I never received it
21 directly, no.

22 Q. Other than deceased male
23 teacher, do you have any information
24 about a male teacher having sex with a

1 student while you were at The Hill
2 School?

3 A. No.

4 Q. Do you have any information
5 about a female student having sex -- let
6 me start again.

7 Do you have any information
8 about a female teacher having sex with a
9 student while you were at The Hill
10 School?

11 A. Can I interrupt for a
12 second?

13 Q. Go ahead. What's your
14 interruption? Are you objecting?

15 A. No, I'm not objecting. I
16 said can I interject for a second?
17 Because Lane has been staring at his
18 phone for the last 20 minutes.

19 And if this is boring to
20 you, I can easily go and hang out in the
21 rest of my house and not waste everybody
22 else's time.

23 MR. JUBB: Mr. Poulos, if
24 you could focus on her answers,

1 that would be appreciated.

2 And just for the record --

3 THE WITNESS: I'm focusing
4 on you because you're not --

5 MR. JUBB: So if you could
6 get back to answering questions,
7 that would be great.

8 THE WITNESS: So this is
9 going to end. If you're not going
10 to take this seriously, why am I
11 going to sit here and waste my
12 time?

13 BY MS. DOUGHERTY:

14 Q. Okay, Mr. Poulos, hold on a
15 second. Okay? Don't be distracted by
16 Mr. Jubb. He has a job to do just like I
17 have a job to do, just like the
18 videographer has a job to do, the court
19 reporter has a job to do. Okay?

20 Mr. Jubb represents the
21 person who's suing you. I realize that
22 makes him unpopular to you; right? I'm
23 probably not popular to you either.

24 But just hold on a second.

1 Okay? I'm asking you questions. I'm
2 asking you questions because your answers
3 are important to me. You have contended
4 that you were abused by a teacher. I
5 want you to tell me the detail of that.
6 You've contended other teachers abused
7 students. I'm asking about the detail
8 about that.

9 It's serious content. I'm
10 asking it for a serious reason. And, you
11 know, that's what we're doing.

12 You can ignore Mr. Jubb
13 because he, you know, is not asking the
14 questions. What he does is really not
15 your concern, unless the word "objection"
16 is coming out of his mouth. Right?

17 MR. JUBB: Ms. Dougherty, I
18 would appreciate a little bit more
19 credence than that. I'm sitting
20 here with my notepad.

21 MS. DOUGHERTY: I don't know
22 what you're doing.

23 MR. JUBB: But the idea that
24 somehow I'm doing anything

1 improper by sitting here with my
2 notepad is just outrageous.

3 And so I could sit here and
4 look at the camera or not, but
5 I'm -- the idea that somehow he
6 should ignore me because I -- you
7 know, whatever I'm doing, it just
8 tends to -- you know, I'd
9 appreciate as a member of the bar
10 that you would at least
11 acknowledge that I'm sitting here
12 taking notes and doing nothing
13 improper about my conduct.

14 MS. DOUGHERTY: I'm not
15 trying to cast aspersions on you,
16 Mr. Jubb. I'm suggesting that the
17 witness just not be distracted by
18 you. Honestly, I wasn't looking
19 at you.

20 MR. JUBB: Of course not.

21 MS. DOUGHERTY: I've been
22 looking at Mr. Poulos the entire
23 time. In fact, even when you
24 couldn't hear, I was looking at

1 Mr. Poulos, so -- and I'm not very
2 good with Zoom. So if there's --
3 that's just how I can do it.

4 So I honestly don't know
5 what you were doing. I assume you
6 weren't doing anything untoward.
7 I'm telling the witness to just
8 not be concerned about it. I'm
9 not suggesting that you did
10 anything inappropriate.

11 I apologize to you, Mr.
12 Jubb, to the extent you believed I
13 was suggesting that.

14 MR. JUBB: Thank you.

15 MS. DOUGHERTY: I only meant
16 to say I was looking at Mr. Poulos
17 and that the witness shouldn't be
18 concerned with what he thinks you
19 are or are not doing. I'm asking
20 the questions and his answers are
21 important, and most importantly
22 that it's important they're
23 truthful and that he has not --

24 THE WITNESS: Can I

1 interject? Can I interject?

2 BY MS. DOUGHERTY:

3 Q. Go ahead.

4 A. He made a comment yesterday
5 when I looked down to turn on the lights
6 saying that I was texting somebody. So
7 how do I not know that he's not doing the
8 exact same thing?

9 Q. Okay. That's a fair
10 question. Just to explain, when you are
11 a witness under oath, you're not -- and
12 actively testifying, which is your
13 position at the moment, you're not
14 allowed to talk to other people except if
15 you're there with a lawyer and you ask to
16 be excused to speak to your lawyer.
17 Okay?

18 You have to focus your
19 attention on the testimony. You can't,
20 you know, speak to another person in the
21 room in the middle of testimony. You
22 can't text message or email with
23 somebody. Okay?

24 So I think that when you

1 looked down at your phone, Mr. Jubb asked
2 you a legitimate question just to make
3 sure you understood, because you're not
4 here with an attorney, that you can't
5 text, like when I say you can't smoke.
6 Right?

7 So Mr. Jubb, however, is not
8 under oath and he's not testifying. He's
9 also not asking the questions.

10 So at the moment, what he
11 decides to do or not do, is up to him.
12 We don't really know what he is or isn't
13 doing except we see him from his
14 shoulders up and he's sitting there,
15 right, not unlike the videographer or the
16 court reporter. Right?

17 So that's the distinction
18 though. That's why Mr. Jubb asked you
19 specifically because you, as a witness --
20 and it's not you personally, it's any
21 witness who's testifying -- can't have
22 communications in the middle of the
23 testimony.

24 Does that answer your

1 question or concern?

2 A. To an extent, yes.

3 Q. I honestly don't remember if
4 you answered or not -- I apologize if you
5 did -- so I'm just going to ask again.

6 Do you have any information
7 about a female teacher having sex with a
8 student while you were a student at The
9 Hill School?

10 A. Yes.

11 Q. What information do you have
12 about a female teacher having sex with a
13 student while you were a student at The
14 Hill School?

15 A. A certain tennis player
16 bragging about the fact that he was
17 sleeping with the tennis coach who was,
18 at the time, married.

19 Q. Was the tennis player who
20 told you he was having sex with the
21 tennis coach 18 at the time?

22 A. He was not.

23 Q. Do you have any other
24 information about a female teacher having

1 sex with a student while you were a
2 student at The Hill School?

3 A. I heard rumors, but nothing
4 specific.

5 Q. You also, as part of your
6 list of improprieties, identified
7 teachers having sex with other teachers.
8 What information --

9 A. Correct.

10 Q. What information do you have
11 about teachers having sex with other
12 teachers while you were at The Hill
13 School?

14 A. The fact that they were
15 caught off campus.

16 Q. Did the situation you had in
17 mind relating to sex between two teachers
18 off campus then involve a student?

19 A. Not to my knowledge, no.

20 Q. As part of your list of
21 improprieties that occurred -- let me
22 start again.

23 Is that -- the two teachers
24 caught off campus having sex, is that the

1 only information you have about teachers
2 having sex with other teachers while you
3 were a student at The Hill School?

4 A. I mean, there may have been
5 a few more. Like I said, I didn't try
6 and --

7 Q. No, no. I'm just asking --
8 all I want to know is whether you have --
9 let me start again.

10 All I want to know is about
11 your information. You gave me a list:
12 Teachers sleeping with students; teachers
13 sleeping with other teachers; teachers
14 abusing students; and you added as a
15 footnote teachers cheating on spouses.
16 I'm just trying to learn your information
17 and the basis for your list.

18 So you've told me you have
19 information about the two teachers who
20 were caught off campus having sex with
21 each other that did not involve a
22 student. I want to know if you have
23 information about any other teachers
24 having sex with other teachers while you

1 were a student at The Hill School.

2 A. No, I do not.

3 Q. Now, the third item on your
4 list was teachers abusing students. And
5 I asked you to, again, for the moment,
6 leave the abuse by Mr. Ralston against
7 you out of your answer. We'll come back
8 to that.

9 What information do you have
10 about teachers abusing students while you
11 were a student at The Hill School, again
12 excluding the abuse that you sustained
13 from Mr. Ralston?

14 A. Can I speak in retrospect?

15 Q. At the moment, I'm just
16 asking you about information you learned
17 when you were a student at The Hill
18 School.

19 A. That there were teachers
20 sleeping with students who were under 18,
21 which is statutory rape.

22 Q. Is there -- let me start
23 again.

24 Do you have information

1 about teachers abusing students while you
2 were a student at The Hill School other
3 than the abuse you've told me about
4 today?

5 A. Male to male abuse?

6 Q. Any type of abuse by a
7 teacher on a student other than what
8 you've told me about today.

9 A. No.

10 Q. You mentioned earlier in
11 your testimony there was a girl who came
12 forward about abuse. What were you
13 referring to?

14 A. Wait. You broke up. Can
15 you please restate?

16 Q. Sure. Earlier in your
17 testimony, you mentioned something along
18 the lines of a girl who came forward
19 about abuse. What were you referring to?

20 A. I believe that it was a case
21 with a female student after the school
22 went co-ed where a male teacher slept
23 with an underage female. And the school
24 settled, to my knowledge, out of court to

1 keep it under wraps for the, you know,
2 lack of a better term.

3 Q. What's the basis for your
4 information?

5 A. I'm an alumnist. I get to
6 get that knowledge, especially when they
7 ask me for money.

8 Q. So The Hill School reported
9 to alumnists that there had been a
10 settlement with a former student relating
11 to sex between that student and a
12 teacher?

13 A. Correct.

14 Q. Did the Hill School -- let
15 me start again.

16 Did The Hill School report
17 specifics?

18 A. Not names, but ages and the
19 fact that the faculty member had been
20 terminated.

21 Q. How did The Hill School
22 communicate this information to you?

23 A. Through the alumni letter.
24 We get alumni letters every month,

1 especially when you're a donator. And my
2 family has been donating money for 70
3 years.

4 Q. When did you start receiving
5 the monthly alumnist letters?

6 A. A week or two after I
7 graduated and they started asking me for
8 money.

9 Q. And did the monthly alumnist
10 letters continue continuously since a
11 month or two after you graduated to the
12 present day?

13 A. The ones that I accepted,
14 yes. Some of them, I, you know, like,
15 blocked them from my email account.

16 But they did admit that
17 there was impropriety between a male
18 teacher and a female student after the
19 unification to make it, you know, a
20 male-female campus, and he slept with one
21 of the girls on the school.

22 Q. So you didn't receive the
23 alumnist -- let me start again.

24 You did not receive the

1 monthly alumnist letters during the
2 period of time that you had the school
3 blocked?

4 A. No. No.

5 Q. When did you learn from The
6 Hill School that there had been a
7 settlement relating to sex between a male
8 teacher and a female student?

9 A. I believe it was around the
10 time that they asked for a donation from
11 my family for my grandfather's plaque to
12 be put up in -- I don't even know which
13 building -- but they asked for money from
14 all of us to put up a plaque.

15 Q. Was that before the April
16 23rd, 2016 letter that you received in an
17 email?

18 A. I believe so, yes. Yeah.

19 (Court Reporter lost
20 Internet connection.)

21 THE VIDEOGRAPHER: Hold on a
22 second. We lost our --

23 MS. DOUGHERTY: Who did we
24 lose?

1 THE VIDEOGRAPHER: It looks
2 like we lost our court reporter.

3 MS. DOUGHERTY: We lost the
4 court reporter.

5 THE VIDEOGRAPHER: Do you
6 want to go off the record?

7 MS. DOUGHERTY: Yeah. Let's
8 go off the record. And then why
9 don't we just --

10 (Court Reporter's Internet
11 connection restored.)

12 BY MS. DOUGHERTY:

13 Q. I'll just ask the question
14 again, or a question like it again.

15 Did you learn about the
16 settlement relating to sex between a
17 female student and a male teacher before
18 the April 23rd, 2016 letter that you
19 received via email?

20 A. Yes, I believe so.

21 Q. Now, again, the next set of
22 questions are directed to after you were
23 no longer a student at The Hill School,
24 after you graduated from high school.

1 After you graduated from
2 high school, did you learn of any other
3 instances of abuse by teachers directed
4 to students of The Hill School?

5 A. I've had nothing to do with
6 that school since the day that I left
7 other than communications that the school
8 sent out to alumnists.

9 Q. Okay. So you received the
10 notice from The Hill School about the
11 settlement with the female student, and
12 that is the only instance of abuse by a
13 teacher directed to a student that you
14 have information about or learned about
15 since you graduated high school; is that
16 correct?

17 A. Correct.

18 Q. Do you know Mary Beth
19 Ralston?

20 A. Matt Ralston's wife.

21 Q. Have you ever had contact
22 with Mary Beth Ralston?

23 A. Can you rephrase that?
24 Because I had contact with her when I was

1 a student because she would come to
2 dinners. So after graduation, no.

3 Q. Okay. So you had contact
4 with Ms. Ralston before you graduated
5 from The Hill School; is that right?

6 A. Correct. She was the one
7 who refused to move the car to let me
8 leave the property that Parents' Weekend
9 in October of 20' -- or no -- 1996.

10 Q. What year did you graduate
11 from The Hill School again?

12 A. May 25th, 1997.

13 Q. So since May 25th, 1997, you
14 have had no contact whatsoever with Mary
15 Beth Ralston; is that correct?

16 A. Not at all.

17 Q. And prior to May 25th, 1997,
18 you had contact with Mary Beth Ralston
19 because she went to dinner at the same
20 place that you did; is that right?

21 A. Yeah. The families would
22 all come and have dinner at the dining
23 hall.

24 Q. When you say "the families,"

1 you mean the families of the teachers of
2 The Hill School?

3 A. Of the faculty, yes.

4 Q. And you had contact with --
5 let me start again.

6 Before May 25th, 1997, you
7 also had contact with Mary Beth Ralston
8 in relation to Mr. Ralston's car blocking
9 you in on Parents' Weekend; is that
10 right?

11 A. Yes, because he would not
12 answer the door. She answered the door.

13 Q. Other than having contact
14 with Mary Beth Ralston at dinner and the
15 event with the car, which we'll come back
16 to, did you have any other contact with
17 Mary Beth Ralston before May 25th, 1997?

18 A. Nothing more than passing.

19 Q. What do you mean by
20 "passing"?

21 A. Passing, like, I greet you,
22 I'm polite to you, I wish you well, go on
23 your way.

24 Q. So what was the date of the

1 family weekend when your car was blocked
2 in?

3 A. It would have been late
4 October 1996. I don't know the exact
5 date.

6 Q. How do you know it was late
7 October 1996?

8 A. Because I had just sent in
9 my first vote for the President of the
10 United States absentee from Pennsylvania
11 to Wisconsin.

12 Clifford, sit. I'm fine.
13 I'm fine.

14 Q. Since Clifford has made an
15 appearance, why don't you tell us who
16 Clifford is?

17 A. He's fine.

18 Q. Clifford is your dog?

19 A. He's my service dog.

20 Sit.

21 Q. Have you ever had -- let me
22 start again.

23 Other than the emails that
24 you received from Mr. Lehman as part of

1 your alumnist's reports, have you ever
2 had any contact with Mr. Lehman?

3 A. No, except for them asking
4 for money.

5 Q. Have you ever responded to
6 the emails you received from Mr. Lehman
7 asking for money?

8 A. I think I sent them a check
9 for \$.97 I believe, but I could be wrong.

10 Q. Have you --

11 A. It was part of a joke.

12 Q. Oh, I understand. Okay. So
13 there was an instance where Mr. Lehman
14 wrote to you a letter on behalf of The
15 Hill School requesting a donation, and
16 you responded with a check for \$.97; is
17 that right?

18 A. Well, pretty much every
19 year, they send you a check -- or send
20 you an email asking for money. And I
21 believe my family has done enough for
22 that school, so I sent them a check for
23 \$.97. But I think I sent that to
24 Headmaster Doherty.

1 Q. So have you ever had direct
2 contact with Mr. Lehman?

3 A. No. I've never spoken to
4 the man. I have no idea what he even
5 looked like.

6 Q. Do you know Mark Ralston?

7 A. No.

8 Q. Do you know William Yinger
9 -- Y-I-N-G-E-R?

10 A. Yeah, Bill Yinger, I do
11 recognize the name. I couldn't place the
12 face, but I do know Bill Yinger.

13 Q. How do you know the name
14 Bill Yinger?

15 A. I think he played hockey at
16 our school.

17 Q. When was the last time you
18 had contact with Mr. Yinger?

19 A. I haven't had contact with
20 99.9 percent of the people there. I
21 never spoke to him after I left campus.

22 Q. So you've had no contact
23 with Mr. Yinger since May 25th, 1997; is
24 that right?

1 A. I mean, that's -- to the
2 best of my knowledge, no, I've not spoken
3 to Mr. -- no, I haven't spoken to him.

4 Q. Did you ever talk to Mr.
5 Yinger about Mr. Ralston?

6 A. No. He was another math
7 teacher, I believe.

8 Q. You think Mr. Yinger was a
9 math teacher?

10 A. I think so.

11 Q. Was Mr. Yinger one of your
12 teachers?

13 A. I don't believe so.
14 I've spent a -- like, a very
15 long time forgetting pretty much
16 everything I could about that school --
17 the people that went there, the teachers
18 that were there -- just to get through
19 this situation so that I could move on.
20 So I just want that to be put on the
21 record because I've done everything I
22 could possibly do, right or wrong, but I
23 did everything I could do to forget even
24 my legacy.

1 Q. Without regard for whether
2 you identified Mr. Ralston, did you ever
3 tell Mr. Yinger that you were abused by a
4 teacher at The Hill School?

5 A. I've never told anybody at
6 that school that I was abused.

7 Q. Do you know who Wallace
8 Gundy is -- G-U-N-D-Y?

9 A. Mr. Gundy? I recognize the
10 name. I couldn't pick him out of a
11 lineup.

12 Q. Do you recognize the name
13 Wallace Gundy?

14 A. I mean, it's Gundy. It's
15 just -- I mean, I'm not trying to be a
16 smart ass, but it's Mr. Gundy, like --

17 Q. So you recognize Mr. Gundy
18 somehow affiliated with The Hill School;
19 is that right?

20 A. Oh, yeah, I recognize the
21 name, but I couldn't pick him out of a
22 lineup.

23 Q. That's okay. How do you
24 recognize the name Wallace Gundy?

1 A. Somebody I would see in
2 passing. Maybe I sat with him at, you
3 know, one of the tables when we were
4 assigned to different dining tables,
5 but...

6 Q. Mr. Gundy was a student
7 while you were a student at The Hill
8 School?

9 A. No. I believe Mr. Gundy was
10 one of the professors.

11 Q. Was Mr. Gundy your
12 professor?

13 A. He may have been, but I
14 don't believe so.

15 Q. Have you had any contact
16 with Mr. Gundy since May 25th, 1997?

17 A. I haven't had any contact
18 with anyone from May 25th, 1997 when I
19 graduated.

20 Q. You mean anyone from The
21 Hill School?

22 A. Any professors.

23 Q. Any professors from The Hill
24 School? Okay.

1 A. Exception. Can I make an
2 exception? I did send a taunting text
3 message to Mr. Drowne because he's a
4 Giants fans, and we were playing them in
5 the playoffs, the Packers. So I had to
6 kind of mess with him, but that was in
7 2005.

8 Q. Did you ever talk to Mr.
9 Gundy or Gundy [pronunciation] -- I don't
10 know how you say the name. Did you ever
11 talk to Mr. Gundy about Mr. Ralston?

12 A. I don't remember any
13 conversations with Mr. Gundy. We didn't
14 really spend a lot of time together.

15 Q. Do you know a Christopher
16 Hopkins?

17 A. Not to my recollection.

18 Q. Okay. Mr. Doherty is David
19 Doherty; is that right?

20 A. Yes. Mr. Doherty spoke at
21 my grandfather's funeral or memorial at
22 the National Cathedral.

23 Q. When was the last time you
24 had contact with Mr. Doherty?

1 A. 2005 when he spoke at my
2 grandfather's wake in -- or memorial at
3 the National Cathedral in Washington, DC.
4 He and Kay attended along with Robert
5 Kennedy and a few other members of the
6 Senate.

7 Q. And Kay is Mr. Doherty's
8 wife; right?

9 A. Correct.

10 Q. Did you ever talk to Mr.
11 Doherty about Mr. Ralston?

12 A. I never did.

13 Q. Do you know a Jeff Neese --
14 N-E-E-S-E?

15 A. I don't recognize the name.

16 Q. Do you know any of the
17 members of the board of trustees for The
18 Hill School?

19 A. I do not.

20 Q. Have you ever known the
21 identity of anyone who was a member of
22 the board of trustees for The Hill
23 School?

24 A. I've never inquired. I'm

1 sure if I asked, I could find out. But
2 I've never asked.

3 Q. So just to put a time frame
4 on it, after you retained Mr. Garabedian
5 in 2017 and in 2018, you didn't know who
6 was a member of the board of trustees; is
7 that right?

8 A. No. Frankly, I don't care.

9 Q. Was your grandfather ever on
10 the board of trustees?

11 A. Not to my knowledge. I know
12 he was in -- because of Lane's, you know,
13 paperwork yesterday, I know that he was
14 in communications. I never even knew
15 that he was in communication with the
16 school about my perspective acceptance to
17 the school until yesterday.

18 Q. You've mentioned several
19 times that there's a legacy between your
20 family and The Hill School. Can you just
21 define that for me?

22 A. So my grandfather or step
23 grandfather, Senator William Proxmire,
24 graduated -- graduated Class of '34. His

1 brother, Theodore, graduated Class of
2 '33. I believe -- well, I know that
3 Theodore passed away in World War II.
4 Grampa went to Yale. I mean, we've been
5 there since almost the inception of that
6 high school.

7 MS. DOUGHERTY: Could we
8 take a five-minute break, comfort
9 break? Could we go off the
10 record?

11 THE VIDEOGRAPHER: All
12 right. We're now going off the
13 record. The time is 3:05.

14 (Whereupon, a brief recess
15 was held.)

16 THE VIDEOGRAPHER: We are
17 now back on the record. The time
18 is 3:19.

19 You may continue.

20 BY MS. DOUGHERTY:

21 Q. Was there a reason that you
22 were absent from the dining hall during
23 your freshman year?

24 A. Sorry. It was more likely

1 that I just missed dinner. I mean, it
2 wasn't an uncommon thing for somebody to
3 be, like, absent from dinner. You might
4 fall asleep; you might be studying.

5 Q. Was there a reason you
6 didn't want to go to the dining hall?

7 A. Not until my senior year.

8 Q. What was the reason you did
9 not want to go to the dining hall during
10 your senior year?

11 A. As weird as it sounds, I
12 just didn't want to be around that many
13 people eating dinner. It became, to a
14 degree, disgusting.

15 Q. You mean because other
16 people were present eating?

17 A. It was just the general
18 sound of people eating and being around
19 people I didn't want to be around.

20 Q. Did Mr. Ralston have
21 anything to do with why you didn't want
22 to go to the dining hall during your
23 senior year?

24 A. No, he did not.

1 Q. Did you have contact with
2 Mr. Ralston in the dining hall during
3 your senior year?

4 A. Of course.

5 Q. What type of contact did you
6 have with Mr. Ralston when you were in
7 the dining hall during your senior year?

8 A. Well, I had to walk into the
9 dining hall and I had to walk past his
10 table. I had to be polite and say
11 something. I can't just walk by.

12 Q. In the dining hall, did
13 people have assigned tables?

14 A. Yeah. So what happened with
15 assigned tables is -- sorry. Let me lift
16 this up -- every, I'd say month or so, we
17 were reassigned tables with different
18 teachers, different students, so that we
19 could meet people that we may not meet on
20 a day-to-day basis given the fact that
21 they may not be in our class work -- or
22 classes, excuse me.

23 So I'm sure I walked by him
24 and Kay, or whatever her name is, on a

1 nearly daily basis.

2 Q. "Her," you mean Mr.
3 Ralston's wife?

4 A. Correct.

5 MS. DOUGHERTY: Does anybody
6 else hear buzzing?

7 THE WITNESS: I don't.

8 THE VIDEOGRAPHER: Sounds
9 like a truck went by.

10 MS. DOUGHERTY: Just making
11 sure. Okay.

12 BY MS. DOUGHERTY:

13 Q. Was that the -- is this how
14 the seating arrangements in the dining
15 hall worked for each year that you were
16 at The Hill School? There was assigned
17 tables that rotated?

18 A. Correct. That's the only
19 reason why I had any interaction with
20 Thomas Ruth was because I got assigned to
21 his table I believe my third form year.

22 Q. So was it the case that the
23 faculty members were assigned a table and
24 the students rotated through? How did it

1 work?

2 A. The teachers were assigned a
3 table, one on either end. And then,
4 yeah, every few weeks, maybe a month, we
5 got rotated to a different table. So
6 you'd get that assignment in your
7 mailbox.

8 Q. Are you doing okay there?
9 Because I want to make sure that you're
10 able to concentrate on the questions.

11 A. No, I'm fine. I'm fine.

12 Q. It looks like that you
13 fidgeting with your video.

14 A. No, I'm good.

15 Q. Okay. Were you ever
16 assigned -- let me start again.

17 Did Mr. Ralston have a table
18 in the dining hall?

19 A. Every professor, yeah.
20 Every teacher had a table, one at each
21 end. And then if they had family
22 members, they would get a few seats,
23 especially for dinner, and then the rest
24 of the students would just figure out

1 where to sit.

2 Q. How many people were at a
3 table in the dining hall?

4 A. Eight on each side, so 18
5 total.

6 Q. And each table had two
7 teachers, one on each end, and the other
8 16 people were students or the families
9 of the faculty members; is that correct?

10 A. Correct.

11 Q. Is that the case for every
12 year that you were a student at The Hill
13 School?

14 A. Correct.

15 Q. Were you ever at Mr.
16 Ralston's table?

17 A. Possibly, but not to my
18 recollection.

19 Q. You don't -- you do not
20 remember ever being assigned to Mr.
21 Ralston's table in the dining hall for
22 any year that you attended The Hill
23 School; is that right?

24 A. Correct. I don't remember.

1 I remember one table that I was situated
2 at, and that was more a matter of that it
3 was Thomas Ruth.

4 Q. When you got your table
5 assignments in your mailbox, did the
6 assignments identify who the teacher at
7 the table would be?

8 A. No. It just gave you a
9 table number. It's kind of like working
10 in a restaurant.

11 Q. Did the teachers stay at the
12 same table number for the entire year?

13 A. I believe so, yes.

14 Q. So when you received your
15 dining hall assignment and saw the table
16 number, you knew which teachers would be
17 at your table; is that right?

18 A. For the most part, yes. I
19 mean, there was -- the headmaster's table
20 was all the way up on top, and then there
21 was lines of tables. But pretty much
22 every professor sat at the exact same
23 seat. But it's hard to memorize. Like,
24 you're just given a table number; you go

1 and sit at that table number.

2 Q. Did you ever skip your meals
3 because you were assigned to Mr.
4 Ralston's table?

5 A. Again, I don't remember
6 being assigned to Mr. Ralston's table. I
7 skipped meals for different reasons.

8 Q. What were the reasons that
9 you skipped meals?

10 A. One, the food. Two, just I
11 guess you could say the lack of decorum.
12 I don't generally like being around a lot
13 of people that eat and speak the way they
14 were eating and presenting themselves at
15 dinner. So I would put my plate down and
16 walk away.

17 I only had to wait for them
18 to -- so the headmaster would give us a
19 presentation. He would talk about
20 whatever happened in the day, and then
21 you had the permission to just leave.

22 Q. Yesterday you told me about
23 the first instance of sexual abuse by Mr.
24 Ralston.

1 Have you told me everything
2 that you remember about that first
3 instance of sexual abuse by Mr. Ralston?

4 A. Other than the color of my
5 backpack, yes.

6 Q. What was the color of your
7 backpack?

8 A. I had a maroon JanSport
9 backpack that my mom had engraved --
10 well, embroidered my initials on the back
11 of.

12 Q. Is there some reason why the
13 backpack sticks out in your mind as it
14 relates to the first instance of sexual
15 abuse by Mr. Ralston?

16 A. Because on the back of the
17 backpack, there was a handle, so it was
18 like a grab bag.

19 So if you're -- if you know
20 anything about the military, you can grab
21 the back of the bag and just walk away.

22 So there was my initials on
23 the back right here; but in the middle of
24 it, there was also, like, a strap where

1 you could grab it and just pull it away.

2 Q. Did Mr. Ralston grab the
3 strap you're talking about?

4 A. No. It was more that he
5 grabbed me and pushed the door shut.

6 Q. Why is the -- what was it
7 called again, the handle on the back of
8 the backpack?

9 A. We just called it a shoe
10 strap because you could tie your shoes
11 and -- but it's a grab handle.

12 Q. Why is the grab handle on
13 your backpack significant to you as it
14 relates to the first instance of sexual
15 abuse by Mr. Ralston?

16 A. Because I never used the
17 backpack after that day.

18 Q. Was there something that you
19 associated the backpack with the sexual
20 abuse by Mr. Ralston? Let me start
21 again.

22 Why did you not use the
23 backpack again after that day?

24 A. I just went down and ordered

1 a different one.

2 Q. You didn't have a reason why
3 you didn't use the backpack again?

4 A. Subconsciously, possibly.
5 But at the time, it was more a matter of
6 -- yeah, I guess it would be more
7 subconsciously that I just -- I didn't
8 want to be associated with that moment
9 with that bag, so I ordered a new
10 backpack.

11 Q. Did the new backpack have a
12 grab handle?

13 A. No.

14 Q. What did you do with your
15 clothes that you were wearing on the
16 first day or the first time that you were
17 sexually abused by Mr. Ralston?

18 A. Threw them away.

19 Q. Is there a reason why you
20 threw away the clothes you were wearing
21 the first time Mr. Ralston abused you?

22 A. Yeah, because I didn't want
23 -- I discarded every garment that I could
24 possibly discard that day. Everything.

1 Q. Did you discard anything
2 other than your backpack and your
3 clothes?

4 A. No. I can tell you that I
5 did ultimately break one of or both of
6 the mirrors in my bedroom or my dorm
7 room.

8 Q. On that day?

9 A. Yeah.

10 Q. Why did you break the
11 mirrors on your dorm room on the day --
12 let me start again.

13 Did you break the mirrors in
14 your dorm room after Mr. Ralston abused
15 you?

16 A. Yeah.

17 Q. So --

18 A. I had to actually buy them
19 to replace them.

20 Q. So after the first instance
21 when Mr. Ralston abused you, immediately
22 after the attack, you broke the mirrors
23 in your dorm room?

24 A. I broke at least one. There

1 was -- if you walked into my room, to my
2 right was my bed. Because I had a
3 single, you could walk straight through.
4 To the left was an area for a desk. To
5 the other area was for another desk. But
6 in the middle, next to what I guess you
7 could consider a closet, we had a few
8 drawers and mirrors. I guess a medicine
9 cabinet. And, yeah, I broke at least one
10 of the mirrors.

11 Q. And you broke at least one
12 of the mirrors immediately after the
13 first instance of abuse by Mr. Ralston;
14 is that right?

15 A. Yeah. But I didn't -- yeah,
16 that's right. I just didn't tell anybody
17 until after when I actually needed to use
18 my mirror. I actually used to have hair,
19 so...

20 Q. So after you left the
21 classroom on the day of the first abuse
22 by Mr. Ralston, you returned to your dorm
23 room, discarded your backpack and your
24 clothes, and broke at least one mirror in

1 your dorm room; is that right?

2 A. Correct.

3 Q. Did you do anything else
4 after the first instance of abuse
5 immediately after you left the classroom?

6 A. Not to my recollection.

7 Q. Is there anything other than
8 what you've told me already today and
9 also yesterday that you remember
10 regarding the first instance of abuse by
11 Mr. Ralston?

12 A. No.

13 Q. When was the second time
14 that Mr. Ralston abused you?

15 A. I can't give you specific
16 dates or times.

17 Q. Can you put the second time
18 in relation to the first time?

19 A. I would have to say it was
20 probably a couple of weeks.

21 Q. Are you settled again there
22 with the video?

23 A. Yeah. I'm good.

24 Q. Okay. Can you put the video

1 up so your whole head is in the shot?

2 A. All right. I'll just hold
3 it.

4 Q. Well, is there a way that
5 you can -- how did you have it yesterday?

6 A. Well, I was sitting in my
7 recliner, which didn't seem appropriate
8 at the time; so I moved to my office.

9 Q. Mr. Poulos, you're allowed
10 to sit wherever you want. So if you're
11 more comfortable sitting in your
12 recliner, that's fine, but --

13 A. No, it's fine. It's just --

14 Q. Well, let me just explain to
15 you why it is important that the video be
16 focused on you and not moving and your
17 hands in the way.

18 There's a videographer here
19 who is -- you know, this is a video
20 deposition. In addition to us being able
21 to see each other on Zoom, a video is
22 being taken which can later be shown to
23 the jury, and it is important that we are
24 able to see the video that corresponds

1 with your answers.

2 So we just want to get you
3 in a situation where you can set the
4 phone up so your whole head is on the
5 screen and you're not moving around.

6 Are you working on that now?

7 A. Yeah. I'm good.

8 THE VIDEOGRAPHER: Do you
9 wish to go off the record until he
10 can get it situated again?

11 MS. DOUGHERTY: Yeah, why
12 don't we do that?

13 THE VIDEOGRAPHER: We are --
14 are you situated, sir?

15 THE WITNESS: I'm good.

16 THE VIDEOGRAPHER: All
17 right. Should we continue on,
18 then?

19 MS. DOUGHERTY: Yes, please.

20 BY MS. DOUGHERTY:

21 Q. Okay. So the second
22 instance of abuse by Mr. Ralston was
23 within a couple weeks of the first
24 instance; is that correct?

1 A. Correct.

2 Q. What happened during the
3 second instance of abuse by Mr. Ralston?

4 A. Pretty much of the same from
5 the first.

6 Q. Can you please describe the
7 second instance of abuse by Mr. Ralston?

8 A. Can I ask you a question?

9 Q. Okay.

10 A. Is this going to be a
11 testimonial?

12 Q. I'm not sure what you mean.

13 A. I mean, do you want me to go
14 through every single instance of
15 improprieties?

16 Q. I do. It is important.
17 Yes, I do. Your experience with Mr.
18 Ralston is an essential issue of this
19 case. I know that it wasn't your choice
20 to make it that way, but it is.

21 And so we need to know
22 truthfully and in a way that you are
23 comfortable testifying about it, which is
24 why I'm concerned with the movement about

1 the camera. We need you to tell us, you
2 know, what happened.

3 Does that answer your
4 question?

5 A. And if I --

6 Q. I'm sorry. Go ahead.

7 A. No. I was just going to
8 say, I spent decades -- decades, not
9 days -- decades to block out as much
10 information -- sorry, not information,
11 but memories that I could. Whether I did
12 it the right way -- I don't remember
13 specifics.

14 Q. Okay. Mr. Poulos, I'm going
15 to treat your question as an objection to
16 relevance.

17 I'm going to tell you the
18 reason why I'm asking the questions to
19 explain to you why it is reasonably
20 calculated to lead to the discovery of
21 admissible evidence in this case. And we
22 can -- so there are claims for a
23 defamation. In order to prove a claim
24 for defamation, the person who is a

1 proponent of the claim for defamation
2 must prove, among other things, that the
3 statement or statements that is the basis
4 for the defamation claim was not true,
5 was false.

6 A defense -- among one
7 defense to a claim for defamation is
8 truth, so truth of the statements that
9 form the basis for the claim.

10 So again, as I said, I
11 realize it wasn't you who brought the
12 action, but your decision to come forward
13 and the letters written by Mr. Garabedian
14 on your behalf describing the abuse you
15 sustained from Mr. Ralston are now part
16 of the case. So the truth or falsity of
17 your statements about the abuse are part
18 of the case for that reason.

19 So that is why I am asking
20 and that's why I have -- when it's come
21 up a number of times, I've expressed to
22 you it's important to me. There's a real
23 reason that I'm asking it. That's the
24 basis, because it relates to Plaintiff's

1 burden to prove his claims and any
2 defense that Mr. Garabedian or you may
3 assert in response.

4 So I'm asking you to tell me
5 what you remember, and we'll just take it
6 one step at a time to the extent you are
7 comfortable now with your camera. And if
8 at any time you want to take a break, you
9 tell me. You're not a prisoner. You can
10 take a break for any reason. I just ask
11 that you finish your answer that you're
12 giving at any time, and then we can take
13 a break.

14 Does that answer your
15 question with a little bit more
16 information?

17 A. Yeah. I appreciate it.

18 Q. I don't know if Mr. Jubb has
19 anything he wants to add.

20 MR. JUBB: Nothing from me.

21 Next question.

22 BY MS. DOUGHERTY:

23 Q. Okay. So Mr. Poulos, can
24 you please describe for me the second

1 instance of sexual abuse by Mr. Ralston?

2 A. It was pretty much
3 tantamount to the exact same thing that
4 happened the first time.

5 Q. Where were you when -- let
6 me start again.

7 Where were you the second
8 time that Mr. Ralston abused you?

9 A. So in my geometry classroom,
10 or his geometry classroom.

11 Q. When during the day did the
12 second instance of abuse occur?

13 A. At the end of the day. It
14 became almost -- I wouldn't say weekly --
15 but nearly a biweekly instance, and it
16 escalated.

17 And I don't feel comfortable
18 talking more than that. It makes me
19 hurt. I didn't sleep at all last night.

20 Q. Is it the case that every
21 time -- let me start again.

22 I think you described for us
23 previously that your class rotated. So
24 you had seven classes and they rotated

1 through the week to different times of
2 the day. Do I understand that correctly?

3 A. Classes, and they rotated
4 one to seven or one to five, and they
5 flipped through.

6 Q. So do you happen to remember
7 what class in the order geometry was?

8 A. I don't.

9 Q. No? Okay.

10 Is it the case that every
11 time your geometry class was the last one
12 for the day, you were inappropriately
13 touched by Mr. Ralston after the first
14 instance of abuse?

15 A. Correct. And it wasn't
16 every week. It was -- it just became a
17 regular instance where, like, oh, you're
18 going to stay behind to do this. It
19 wasn't like --

20 Q. Go ahead. Please finish.

21 A. Go ahead.

22 Q. Okay. So the second
23 instance of abuse, were you also taking a
24 quiz on the chalkboard?

1 A. I would assume it would have
2 been.

3 Q. I don't want you to -- go
4 ahead.

5 A. Can I finish? I'm not
6 trying to say that I'm assuming, but I
7 also said yesterday I've done my best in
8 the worst ways and the most positive ways
9 to forget every moment that I was at that
10 school.

11 Q. Why don't you tell me what
12 you've done to try to forget your time at
13 The Hill School?

14 A. What do most people do to
15 forget things?

16 Q. Well, I want to know what
17 you did. You said there were some
18 positive and some negative. So tell me
19 what you've done.

20 A. Stay sober.

21 Q. Did you say "sober"?

22 A. Yeah.

23 Q. Okay.

24 A. Did yoga; joined groups, you

1 know, anonymously.

2 But at the end of the day, I
3 wake up having nightmares that I'm going
4 to end up back at that school being
5 terrified.

6 Q. So it sounds like staying
7 sober, going to yoga, joining groups,
8 those are all positive things you've
9 done; right?

10 A. Correct.

11 Q. Are you still practicing
12 yoga and participating in groups and
13 maintaining your sobriety as of today?

14 A. I'm maintaining my sobriety.
15 I can't go to groups. Everything is shut
16 down.

17 Q. That's right.

18 A. And my sponsor -- my sponsor
19 died from COVID.

20 Q. What other positive things
21 have you done to heal from your
22 experience at The Hill School?

23 A. Adopt dogs; try to give
24 back; you know, give back to the

1 military.

2 Q. Why is the military
3 important to you?

4 A. Because we're a military
5 family.

6 Q. How about retaining Mr.
7 Garabedian? Was retaining Mr. Garabedian
8 to hold The Hill School accountable
9 something that you did to heal?

10 A. I thought it would help.
11 Did you object?

12 MR. JUBB: I did.

13 BY MS. DOUGHERTY:

14 Q. Was there any other positive
15 things that you've done to heal from your
16 experience at The Hill School?

17 A. Donating my time to my
18 family's hospital.

19 Q. When you said that you
20 joined groups, did you join groups
21 where -- let me strike that.

22 What are the negative things
23 that you've done to try to forget the
24 experience at The Hill School?

1 A. Mostly drinking.

2 Q. Is there anything else
3 negative?

4 A. Drugs.

5 Q. Have you done anything else
6 negative to try to forget your experience
7 at The Hill School besides drinking and
8 consuming drugs?

9 A. Not being honest.

10 Q. What do you mean by not
11 being honest?

12 A. Just not telling people who
13 care about me the truth.

14 Q. So you mean that you didn't
15 tell your -- well, let me start again.

16 You're talking about the
17 truth of what happened to you at The Hill
18 School, or something else?

19 MR. JUBB: Objection.

20 THE WITNESS: At The Hill
21 School.

22 BY MS. DOUGHERTY:

23 Q. Did you lie to somebody that
24 you care about about what happened to you

1 at The Hill School?

2 A. No. I admitted it.

3 Q. Who do you wish you had told
4 about your time at The Hill School?

5 A. My grandmother.

6 Is this even on anymore?

7 Q. Yes. I'm waiting for you to
8 finish your answer.

9 A. I said my grandmother.

10 Q. Okay. Anyone other than
11 your grandmother?

12 A. My mother.

13 Q. Anyone --

14 A. I just can't do this. No.
15 I can't do this much...

16 MS. DOUGHERTY: All right.

17 Let's go off the record.

18 THE VIDEOGRAPHER: We're now
19 going off the record. The time is
20 3:54.

21 (Whereupon, a brief recess
22 was held.)

23 THE VIDEOGRAPHER: We are
24 now back on the record. The time

1 is 4:07.

2 You may continue.

3 BY MS. DOUGHERTY:

4 Q. Mr. Poulos, other than
5 drinking, consuming drugs, hiding the
6 abuse from your family, are there any
7 other negative things that you've done as
8 a result of the abuse you sustained while
9 at The Hill School?

10 A. Yeah. I self harmed my
11 sophomore year.

12 Q. Any other negative activity
13 as a result of the abuse besides
14 drinking, drugs, hiding the abuse from
15 your family, and self harming during your
16 sophomore year? Is that a no?

17 A. I mean, yeah. I mean, it's
18 ultimately destroyed my adult life.

19 Q. When you decided to come
20 forward after you received the November
21 20th, 2017 letter that's been marked as
22 D-1, the email from The Hill School, did
23 you understand that you would need to
24 communicate the abuse -- information

1 about the abuse that you sustained during
2 The Hill School?

3 A. I did. It's the hardest
4 thing I've ever had to do.

5 Q. Yes or no. Did you tell Mr.
6 Garabedian about your -- about the sexual
7 abuse by Mr. Ralston?

8 A. Yes.

9 MS. DOUGHERTY: Did I get
10 disconnected?

11 THE VIDEOGRAPHER: No.
12 You're still there.

13 MS. DOUGHERTY: Yes.

14 THE WITNESS: It jumped over
15 to the --

16 BY MS. DOUGHERTY:

17 Q. Okay. So the second
18 instance of abuse by Mr. Ralston, please
19 tell me what you remember from the second
20 instance of abuse.

21 A. I don't remember any
22 specifics.

23 Q. What do you mean you don't
24 remember specifics?

1 A. I mean --

2 MR. JUBB: Objection to the
3 form.

4 BY MS. DOUGHERTY:

5 Q. You can answer.

6 A. No. I'm just saying I
7 don't. I worked, whether properly,
8 improperly, I worked for decades to not
9 remember specifics of any of those
10 instances, so...

11 Q. Mr. Poulos, a deposition
12 isn't a test. Nobody is going to be, you
13 know, grading you on your memory or
14 otherwise. All I want to know is what
15 you do remember.

16 So what do you remember
17 about the second time that Mr. Ralston
18 abused you?

19 A. It started just about the
20 same way the first time started.

21 Q. You were at the chalkboard
22 taking a quiz?

23 A. No. I was trying to leave
24 the -- sorry. I was trying to leave the

1 room.

2 I had a maroon JanSport
3 backpack that weighed about 20 pounds
4 probably considering all the books that
5 we were required to bring to every single
6 classroom. And I remember him grabbing
7 the back of my backpack.

8 Q. What happened after Mr.
9 Ralston grabbed the back of your
10 backpack?

11 A. He shut the door shut.

12 Q. What happened after Mr.
13 Ralston shut the door shut?

14 A. He made sure to know -- or
15 made sure to make me know that he was in
16 charge of that situation.

17 Q. Mr. Ralston?

18 A. Again -- yeah. Again, when
19 I was a sophomore, I was 5'6", 5'7"
20 maybe. And he used -- granted, he was a
21 lean individual, but at the same time, he
22 made sure to know -- or made sure to make
23 me know that he was the one in charge of
24 that situation.

1 Q. Was Mr. Ralston bigger than
2 you?

3 A. At that time, yes.

4 Q. How tall was Mr. Ralston?

5 A. I'd say 5'10".

6 Q. Was Mr. Ralston lean, fat,
7 in between?

8 A. Lean. He's a runner.

9 Q. What did Mr. Ralston do to
10 make you know that he was in charge of
11 the situation during the second time that
12 Mr. Ralston abused you?

13 A. Slammed the door right
14 behind me the way he did -- or right in
15 front of me the way he did the first
16 time.

17 Q. Did Mr. Ralston say
18 anything?

19 A. No. He didn't have to.

20 Q. What happened after Mr.
21 Ralston slammed the door in front of you?

22 A. Pretty much the exact same
23 thing that happened the first time. It
24 didn't escalate past that until the

1 fourth or fifth time that he abused me.

2 Q. Did Mr. Ralston touch you
3 after he slammed the door in front of
4 you?

5 A. Yes.

6 Q. Where did Mr. Ralston touch
7 you?

8 A. In my crotch, my groin.

9 Q. Did Mr. Ralston touch you on
10 the outside of your pants?

11 A. To the best of my
12 recollection, yes. There might have been
13 him sliding his hand down.

14 Q. Did Mr. Ralston touch you
15 anywhere else?

16 A. No, not to my recollection.

17 Q. Did you touch Mr. Ralston?

18 A. Only by force; not by
19 choice.

20 Q. Where did Mr. Ralston force
21 you to touch him?

22 A. In his groin.

23 Q. How long did the second
24 encounter with Mr. Ralston last?

1 A. A few minutes. Again, I --
2 I can't give you specific times because
3 it was, for lack of a better term, an
4 out-of-body experience. I didn't want to
5 be there. I wanted to flee like I fled
6 the following year when I felt that it
7 was going to happen again.

8 So I don't -- it could have
9 been 30 seconds; it could have been five
10 minutes. I've done my best to blank all
11 of that.

12 Q. Did you say anything to Mr.
13 Ralston?

14 A. No, because I was terrified.

15 Q. How did the encounter end?

16 A. Me basically running back up
17 to my dorm room --

18 Q. Did you do --

19 A. -- changing my clothes.

20 Go ahead.

21 Q. I wasn't trying to cut you
22 off.

23 What did you do -- or let me
24 start again.

1 Did you do anything when you
2 returned to your dorm room after the
3 second instance of abuse by Mr. Ralston?

4 A. Yeah. I crawled into bed
5 and just cried.

6 Q. Did you go to dinner that
7 day?

8 A. Probably not. That would
9 have probably been one of the nights
10 where I just ordered pizza and skipped
11 dinner because I didn't want to be around
12 people.

13 Q. What did you do with your
14 clothes?

15 A. Again, I threw them away. I
16 was fortunate enough to have the ability
17 to purchase new clothes and have them
18 sent to me.

19 So I threw away too many
20 clothes, like clothes that could have
21 done something better for somebody else.

22 Q. Did you throw anything else
23 out after the second instance of abuse
24 other than your clothes?

1 A. Not to my recollection.

2 Q. Is there anything else that
3 you remember about the second instance of
4 abuse by Mr. Ralston other than what
5 you've told me?

6 A. No. I do remember it was
7 either the third or the fourth time, and
8 he started laughing.

9 Q. What do you remember about
10 the third time that Mr. Ralston abused
11 you?

12 A. His giggle.

13 Q. I'm sorry. Did you say
14 giggle?

15 A. Laugh or giggle, yeah. Like
16 a...

17 Q. Sorry about that.

18 A. No problem.

19 Q. So it's your recollection
20 that the third or fourth time Mr. Ralston
21 abused you, he laughed?

22 A. I think it was a power play
23 now in retrospect.

24 Q. Please complete your answer.

1 I wasn't trying to cut you off. In
2 retrospect?

3 A. I think it was a power play
4 like -- I understand, like, teachers,
5 people work very hard to get where they
6 are. And for some of them, it may seem
7 like, oh, this kid comes in and has a
8 certain amount of whatever.

9 But it seemed like a power
10 play. Like, it seemed like a power play
11 the weekend my mother came to visit me.
12 It was nothing more than intimidation,
13 like I can do whatever I want because,
14 ultimately, you're a student here
15 regardless.

16 And like I said before, it's
17 this systemic bullshit, sorry, where they
18 just feel like every once in a while,
19 they're going to pull somebody out of the
20 crowd and mess with them.

21 Q. Who's "they"? Pedophiles?

22 A. Pedophiles primarily, but --
23 and I'm not trying to -- because right
24 now, it's not like I'm making a crap ton

1 of money. It just seemed like the
2 teachers at certain points were, like,
3 look at all these spoiled kids, let's
4 figure out a way to put them on our
5 level.

6 Q. Did Mr. Ralston know about
7 your legacy with the school?

8 A. Everybody there knew who my
9 legacy was.

10 Q. When you were at The Hill
11 School, did you consider yourself
12 wealthy?

13 A. No. In fact, when I grew
14 up, we were not -- well, we weren't. My
15 mom was a single mother. I remember
16 being on Welfare. It wasn't until my
17 great grandmother passed away that I even
18 realized, like, there's actual money in
19 my family.

20 I thought being a senator
21 was just a duty. I didn't think it got
22 paid well. It was just -- in essence, it
23 was normal to me.

24 Yes, I've got a hospital

1 named after my great grandfather and I've
2 got a grandfather on my other side who's
3 a senator and I -- I didn't equate that
4 to being abnormal. I just thought -- you
5 know, I grew up around a lot of kids who
6 were sons and daughters of attorneys and
7 congressmen, and I thought that was just
8 the way that worked.

9 I didn't realize until I got
10 older that's not the way this works.
11 That's not a right; it's not even a
12 privilege. It's your life, regardless if
13 you want it.

14 Q. I realize that you've said
15 that you don't remember specific dates,
16 but can you place the third instance of
17 abuse by Mr. Ralston in time with the
18 second instance of abuse?

19 A. I can't.

20 Q. Was the third instance of
21 abuse during the same trimester as the
22 first and second instances of abuse?

23 A. All these instances happened
24 after Parents' Weekend, so it would have

1 been in the fall semester.

2 Q. After Parents' Weekend your
3 sophomore year; right?

4 A. Fourth form year, correct.

5 Q. Fourth form year.

6 And when you say all the
7 instances, you're talking about the --

8 A. First three.

9 Q. The first three did you say?

10 A. Correct.

11 Q. Please tell me what you
12 remember about the third instance of
13 abuse by Mr. Ralston.

14 A. I can't give you specifics.

15 Q. Where were you during the
16 third instance of abuse by Mr. Ralston?

17 A. Can I just blanket answer
18 pretty much every time or every time was
19 in his room -- or his classroom, not his
20 room. He approached me --

21 Q. So when -- go ahead.

22 A. Go ahead.

23 Q. No. Please finish.

24 A. No. Go ahead.

1 Q. So any time that Mr. Ralston
2 touched you inappropriately was in his
3 classroom; is that right?

4 A. Correct.

5 Q. And is it correct -- and
6 we'll get to them -- there were other
7 instances where you had contact with Mr.
8 Ralston where he didn't touch you but
9 where you felt bullied? Is that fair?

10 A. More than -- more than a
11 dozen times where I felt like I was going
12 to be pressured into something up until
13 that weekend my senior year or sixth form
14 year.

15 Q. So these other dozen times
16 that you have in mind where Mr. Ralston
17 didn't touch you, those were outside of
18 the classroom; right?

19 A. It was more of a walking by
20 giving you a glance, grabbing you, or
21 touching you in a certain way where I --
22 I don't know. Maybe I was obtuse to the
23 situation and I could have been more
24 aware to what was going on around me and

1 maybe I could have, if I had seen him,
2 walked away.

3 But all the sudden, you get
4 a hand on your shoulder, you get a hand
5 on your back or your -- on your butt, and
6 before you know, it's over, and then you
7 get a glare from the person who just did
8 it.

9 And that was exactly every
10 time. That's why I stopped going to
11 dinner. Besides the disgusting sounds, I
12 didn't want to be around him.

13 And I was so pissed off that
14 somehow I got placed in a dormitory right
15 above his apartment with his wife who was
16 going to defend him.

17 Q. The third instance of abuse,
18 was that at the end of geometry class
19 like the first and second?

20 A. Ninety-nine percent were.
21 There was only one time where he
22 approached me in my actual dorm.

23 Q. Okay. Why don't you tell me
24 about the time when Mr. Ralston

1 approached you in your dorm.

2 A. Like I said, Mr. Drowne
3 always made sure that we had -- or were
4 made to feel like we were at home. So,
5 as we called him, Drowne, would order
6 wings and pizza, you know, have us play
7 X-Box or whatever was out at the time,
8 and he would invite people over. So
9 you'd grab some food, you'd go back to
10 your room or maybe hang out in the
11 apartment.

12 And I remember being in
13 Drowne's apartment and Mr. Ralston comes
14 over, which means he came from, like,
15 clear across the campus to make sure that
16 he could be on our floor party.

17 And a couple of us were
18 playing, like, NHL 95 in Mr. Drowne's
19 apartment, and he comes up and he starts
20 rubbing my shoulders. And I fled just
21 like I fled my, you know, sophomore year
22 or junior year. I fled. I didn't want
23 to be there.

24 Q. Mr. Ralston, when he rubbed

1 your shoulders, that was during your
2 senior year?

3 A. Sophomore year. He never
4 touched me my senior year.

5 Q. Did Mr. Ralston ever touch
6 you on your penis inside your pants?

7 A. Yes.

8 Q. When -- how many -- let me
9 start again.

10 How many times did Mr.
11 Ralston touch you on your penis inside
12 your pants?

13 A. To my recollection, it would
14 have been half a dozen.

15 Q. When was the first time that
16 Mr. Ralston touched your penis inside
17 your pants?

18 A. The fourth incident.
19 Clifford.

20 Q. During the third incident of
21 abuse, did Mr. Ralston touch you?

22 A. Yes.

23 Q. Where did Mr. Ralston touch
24 you during the third incident of abuse?

1 A. My buttocks and my groin.

2 Q. Did Mr. Ralston touch you
3 anywhere other than your buttocks and
4 your groin during the third incident of
5 abuse?

6 A. No.

7 Q. Was the door to the
8 classroom closed during the third
9 incident of abuse?

10 A. Yeah. The doors were always
11 closed.

12 Q. How did the door to the
13 classroom become closed during the third
14 incident of abuse?

15 A. They closed automatically.
16 It's -- they're, like, fire doors.
17 They're heavy. Well, they were heavy
18 metal doors that would basically just
19 swing shut regardless.

20 Q. Where in the classroom did
21 the third incident of abuse by Mr.
22 Ralston occur?

23 A. If I could draw you a
24 diagram, if you walk straight through,

1 you turn to your left. There's nothing
2 you can see in that corner. So the
3 door's here; everything is over here. It
4 happened over there where there's no way
5 somebody can see anything through that
6 little window that was in the door.

7 Q. So you were not near the
8 door during the third incident of abuse?

9 A. No. He had basically pulled
10 me back into the room. And I thought
11 there was -- I can only say at this
12 point -- and maybe I should stop -- but
13 he was in a position of power that I
14 thought was -- and I didn't want to
15 question and I -- he made sure that I
16 wasn't going to leave that room.

17 Q. How did Mr. Ralston pull you
18 back from the door during the third
19 incident of abuse?

20 A. By my backpack. I had a
21 maroon JanSport with my initials on the
22 back of it, but it had a pull tag. And
23 he would -- he would grab on that.

24 Q. You had more than one

1 backpack with your initials on it?

2 A. I had a maroon JanSport. I
3 had a blue JanSport that I replaced the
4 maroon one with.

5 Q. Okay. So you had a blue
6 JanSport backpack with your initials on
7 it during the first incident of abuse; is
8 that right?

9 A. No.

10 Q. No?

11 A. No.

12 Q. What was the backpack again?

13 A. The first and second --

14 Q. I apologize. Please answer.

15 A. The first backpack I had my
16 sophomore or fourth form year was that --
17 I had a maroon JanSport. It was a hiking
18 bag with a -- that was the first one I
19 had.

20 After the end of my fall
21 term or my fall trimester, I had
22 discarded it and ordered a blue one to
23 replace it.

24 Q. So which backpack did you

1 have during the first incident of abuse?

2 A. The maroon JanSport.

3 Q. So you did not throw the
4 maroon JanSport out immediately after the
5 first incident of abuse?

6 A. First or second, I don't
7 remember. I mean, it wasn't like I could
8 just go and buy a brand new backpack.
9 And it was something that my mother had
10 ordered for me, so...

11 Q. Okay. Which backpack did
12 you have during the first, second, and
13 third incidents of abuse?

14 A. The maroon JanSport at least
15 the first and second.

16 Like I said, this wasn't
17 like a weekly incident. This happened
18 over a period of time.

19 Q. Okay. The third incident of
20 abuse, you had a maroon or a blue
21 JanSport backpack?

22 A. I honestly couldn't tell you
23 which of the two I had at that time.

24 Q. So Mr. Ralston --

1 A. I mean, I spent -- I'm
2 sorry -- but I have spent decades, not
3 days, but decades doing my best to forget
4 everything I can. And I'm doing my best
5 to recall everything I can about what
6 happened to me, but certain specifics
7 like what color backpack, I'm --

8 Q. Well, you had a very --

9 A. I'm not going to --

10 Q. Go ahead. Let me know when
11 you're done.

12 At the beginning of your
13 testimony today, you had a very -- or at
14 the beginning of your testimony about the
15 sexual abuse this afternoon, you had a
16 very specific recollection of a maroon
17 backpack that you threw away. So that's
18 -- I'm just trying to get the backpack
19 straightened out. So --

20 MR. JUBB: I'll object to
21 the form of that question.

22 THE WITNESS: Excuse me?

23 BY MS. DOUGHERTY:

24 Q. He objected to the form of

1 the question.

2 So you're not certain which
3 backpack you had during the first,
4 second, and third instances of abuse, or
5 you are? I just want to know what you
6 remember.

7 A. I'm not. Because at the
8 same time, like I stated before, my dorm
9 room was right there. The classroom was
10 right there. So there were days where I
11 didn't bring a backpack or I didn't need
12 to because why, if it's my first class,
13 why would I carry all that garbage down
14 to go to class when my room is 20 meters
15 upstairs and behind me?

16 Q. I understand. I just want
17 -- and I know that it is difficult and
18 uncomfortable for you, but I'm just
19 trying to focus your attention on the
20 instances of abuse by Mr. Ralston.

21 So you remember having a
22 backpack during the third incident of
23 abuse because that is how Mr. Ralston
24 pulled you back into the room; is that

1 right?

2 A. Yeah. It was a hiking pack.

3 Q. What did Mr. Ralston do
4 after he pulled you back into the room
5 during the third incident of abuse?

6 A. Honestly, I -- I can't get
7 into any more details. Healthy,
8 unhealthy, I've done my best to forget
9 all these specific instances for nearly
10 30 years of my life. You can take it,
11 you can leave it, but...

12 Q. Did Mr. Ralston touch you
13 during the third incident of abuse?

14 A. Yes.

15 Q. Where did Mr. Ralston touch
16 you during the third incident of abuse?

17 A. It was again -- it was again
18 right in my groin.

19 Can we --

20 Q. Did Mr. Ralston touch you
21 anywhere else during the third incident
22 of abuse?

23 A. No, not to my recollection.

24 Q. Did you touch Mr. Ralston

1 during the third incident of abuse?

2 A. Not by choice.

3 Q. So during the third incident
4 of abuse, Mr. Ralston made you touch him?

5 A. Correct.

6 Q. Where did Mr. Ralston make
7 you touch him during the third incident
8 of abuse?

9 A. On his groin.

10 Q. And the touching, was that
11 outside of your clothing and also outside
12 of Mr. Ralston's clothing?

13 A. I don't remember if it was
14 the third time or the fourth time --
15 hell, it could have been the fifth
16 time -- but I know eventually it became
17 something underneath the clothing.

18 Q. Okay. Is it a fair
19 characterization that there were a number
20 of incidents between you and Mr. Ralston
21 where Mr. Ralston touched you on your
22 penis on the outside of your clothes and
23 that you -- then made you touch him on
24 his penis on the outside of his clothes?

1 You don't remember specifically how many
2 times, but it occurred a number of times?
3 Is that what you're telling me?

4 A. Yes, that's what I'm telling
5 you.

6 Q. And then at some point, the
7 touching escalated beyond touching
8 outside of the clothes; is that right?

9 A. Correct.

10 Q. Tell me about the first time
11 you remember Mr. Ralston touching you
12 inside of your clothes.

13 A. It was the same sort of
14 situation except it had escalated. And
15 escalation to anybody seems sort of in a
16 way normal. I didn't feel comfortable,
17 but at the same time, I was 16 years old.
18 I didn't know what -- I mean, I knew what
19 right and wrong was, but...

20 Q. When was the first time you
21 remember Mr. Ralston laughing? Was that
22 during an instance of when you were being
23 touched outside the clothes or inside the
24 clothes?

1 A. Outside, because it was more
2 of a feeling of power for him, it felt
3 like.

4 Q. Tell me what you remember
5 from the first instance that Mr. Ralston
6 touched you on the inside of your
7 clothes.

8 A. Again, it was more of a
9 feeling of I can basically do whatever I
10 want and I don't -- pardon my French -- I
11 don't give a shit who your family is or
12 what your legacy is or if you're smarter
13 than I am; I have a power that I've been
14 here so many years and you haven't.

15 And again, I was 16, 15
16 years old. I didn't -- I was terrified
17 that if I told my family, a 70-year
18 legacy, they would say, well, let's
19 figure out a way to make this go away
20 rather than remedy the situation at the
21 time.

22 In retrospect, that was
23 completely wrong of me to do because they
24 would have scorched earth.

1 Q. Where in the classroom were
2 you and Mr. Ralston the first time Mr.
3 Ralston touched you inside your clothes?

4 A. It was always in the same
5 corner --

6 Q. How did you --

7 A. -- the corner that -- sorry.
8 Go ahead.

9 Q. The corner that what?

10 A. The corner that nobody could
11 see. If I -- here. I'll draw the
12 corridor.

13 Q. So you're drawing the
14 corridor to the math -- the geometry
15 classroom that Mr. Ralston was in during
16 your fourth form year; is that right?

17 A. So here's a rudimentary
18 drawing. Do you see how the corridor
19 comes? There's the longitude, like,
20 coming through there.

21 Q. Yes.

22 A. You get this way, and then
23 there's a door opening to a black wall.

24 There's no way somebody can

1 walk into that room and see -- or even
2 look through that doorway and see what's
3 going on in the far left corner, which is
4 where -- his desk was in the far right
5 corner. What he had us do was in the far
6 left corner, which meant it was right
7 against that wall in a place that nobody
8 could see, and he knew it.

9 And he knew what his
10 timetable was. He knew that his wife
11 didn't care. Strike that. I don't want
12 to bring her into this.

13 Q. So what you want to strike
14 is your last statement that he knew his
15 wife did not care, or are you striking
16 your entire --

17 A. Yeah.

18 Q. Okay.

19 A. I don't know anything about
20 his wife other than she wouldn't move the
21 car that night.

22 Q. No, that's fine. I think
23 you heard me do it yesterday. Somebody
24 can move to strike. And I just wanted

1 clarification about what you were moving
2 to strike.

3 So I think what you're
4 describing is there was a part in the
5 classroom, a space in the classroom, that
6 from the outside nobody could see. So
7 you'd have to actually come in the
8 classroom to see what was going on; is
9 that right?

10 A. Correct.

11 Q. Okay. And so each time that
12 Mr. Ralston abused you, he pulled you
13 into that area of the classroom that
14 couldn't be seen from the outside even
15 through the little --

16 A. Correct.

17 Q. -- jail-like window; right?
18 Is that right?

19 A. Correct.

20 Q. So every time Mr. Ralston
21 abused you in the geometry classroom was
22 in that area of the classroom that could
23 not be seen from the outside of the
24 classroom; is that right?

1 A. Correct.

2 Q. And I think you said that
3 Mr. Ralston knew his timetable. What
4 were you referring to?

5 A. We had to be at training or
6 practices at specific times. And if
7 you're not there -- as Lane Jubb noticed
8 yesterday, if you're late for anything by
9 a minute or two, it gets marked down that
10 there's no --

11 Q. Are you talking about the --
12 you're talking about the sports and the
13 intramural? Is that --

14 A. Yeah.

15 Q. -- the period?

16 A. But if --

17 Q. Okay.

18 A. So he was one of the
19 captains or one of the coaches for cross
20 country. I think he was varsity captain.

21 But you only have so much
22 time to get so many places. So you only
23 have so many -- so much time to do what
24 you're going to do and try and get away

1 with it.

2 So he knew that he had a
3 timetable every time that this happened.
4 It wasn't going to be a prolonged, like,
5 rendezvous. It was going to be like wham
6 -- sorry. I can't think of a better term
7 than wham, bam, thank you, ma'am. Like,
8 I'm going to do what I want do and you're
9 going to get out and I'm going to go and
10 do my thing. It's sounds crude, but...

11 Q. So after geometry class,
12 every time it was the last class of the
13 day, you had to be at a sports or
14 intramural afterwards within a specific
15 period of time?

16 A. Within a certain time
17 period, yeah.

18 Q. Were there -- did you ever
19 miss your intramural or your sports
20 practice because of an incident of abuse
21 by Mr. Ralston?

22 A. You can ask Lane Jubb. He
23 has my transcripts.

24 Q. I'm asking you. Are any of

1 those -- I mean, are any of the instances
2 -- let me start again.

3 Did you ever miss your
4 intramural or your sports class which
5 followed geometry as a last class of the
6 day because of abuse by Mr. Ralston?

7 A. I'm sure there was a few, so
8 yes.

9 Q. And we looked at it a bit
10 yesterday, but you got demerits when you
11 didn't go to your intramural or your
12 sports; is that right?

13 A. So yes, I got demerits when
14 I was at school.

15 Q. Did you get -- go ahead.

16 A. Go ahead.

17 Q. Right. I want to know what
18 happened if you didn't go to your
19 intramural or your sports class.

20 A. Nothing unless you got 12
21 demerits. I think it was 12 demerits.

22 Q. Okay. So if you didn't go
23 to your -- let's just use intramural
24 class as an example. If you didn't show

1 up for your intermural class, you would
2 get a demerit; is that right?

3 A. Correct.

4 Q. And then when you got 12
5 demerits, something would happen?

6 A. Correct.

7 Q. What would happen after you
8 got 12 demerits?

9 A. I don't know. I never got
10 12 demerits.

11 Q. If you --

12 A. I -- sorry to interrupt, but
13 I pushed everything I could to the limit.
14 I have and always will. If there's a
15 nine, I'm going to try and get to a 10.

16 Oh, nice iced tea.

17 It's something that's borne
18 into me. I don't know why. But I always
19 feel like I need to push it to the limit.

20 So if they tell me I can get
21 12 demerits, I'm going to make sure that
22 I get 11 and not 12 before I get into too
23 much trouble.

24 Q. What happened if you didn't

1 go to dinner? Did you get a demerit for
2 that as well?

3 A. It depended on which --
4 which form I was. I mean, you could show
5 up for dinner and not eat and leave. But
6 if you were an underclassman, you had to
7 stay for the entire dinner, regardless.

8 Q. Okay. So how about as a
9 sophomore? What would happen if you
10 didn't show up for dinner?

11 A. If I didn't show up, I'd get
12 a demerit.

13 Q. And what would happen when
14 you were a sophomore if you didn't go to
15 breakfast?

16 A. You'd get a demerit.

17 Q. And did the meals work the
18 same way during your sophomore year as
19 sports that if you got 12 demerits, then
20 you got in trouble?

21 A. Yeah.

22 Q. If we showed you the records
23 that you reviewed yesterday with Mr. Jubb
24 regarding your demerits and absences,

1 would you be able to identify which ones
2 were caused because you didn't appear due
3 to abuse by Mr. Ralston?

4 A. Honestly, no. I couldn't --
5 I couldn't place dates.

6 Q. It would all be during your
7 sophomore year though; is that right?

8 A. Sophomore year abuse; my
9 junior year is why I fled; my senior
10 year, in retrospect, was him trying to
11 intimidate me because I'm pretty sure he
12 would never expect me to come back to
13 that high school.

14 Q. The first instance that you
15 remember that Mr. Ralston touched you on
16 the inside of your clothes, where did Mr.
17 Ralston touch you?

18 A. In my groin.

19 Q. Did Mr. Ralston use his
20 hands?

21 A. Yes.

22 Q. Was there ever a time when
23 Mr. Ralston touched you on your penis
24 inside your clothes using a part of his

1 body other than his hand?

2 A. Yes.

3 Q. What part of Mr. Ralston's
4 body did he use to touch you on your
5 penis inside your clothes other than his
6 hand?

7 A. Mouth.

8 Q. The first instance when Mr.
9 Ralston touched you on your penis inside
10 your clothes, did Mr. Ralston touch you
11 anywhere else?

12 A. Not to my recollection.

13 Q. Did you touch Mr. Ralston
14 during the incident, the first incident
15 rather, where Mr. Ralston touched you on
16 your penis inside your clothes?

17 A. Yes, but not by choice.

18 Q. Did you touch Mr. Ralston on
19 the inside or the outside of his clothes
20 during the first incident where Mr.
21 Ralston touched you on your penis on the
22 inside of your clothes?

23 A. On the inside.

24 Clifford.

1 On the inside.

2 Q. Did Mr. Ralston make you
3 touch him anywhere other than on his
4 penis inside his clothes?

5 A. No.

6 Q. And so the first time that
7 Mr. Ralston made you touch him on his
8 penis inside his clothes was the same
9 time that he also touched you on your
10 penis inside your clothes; is that right?

11 A. I believe so, if...

12 Q. How many times did Mr.
13 Ralston -- let me start again.

14 How many incidents were
15 there that Mr. Ralston touched you on
16 your penis inside your clothes?

17 A. Inside?

18 Q. Yes.

19 A. I don't know. Five or six.
20 I -- I don't remember fully. I'm sorry.

21 Q. Do you remember the
22 trimester during which the first time Mr.
23 --

24 A. The same every trimester.

1 Q. Right. I understand that.
2 I'm trying to learn from you if you
3 remember what trimester the first time
4 that Mr. Ralston touched you on your
5 penis inside your clothes occurred.

6 A. It was after Parents'
7 Weekend. I'm guessing winter trimester.
8 It was after Thanksgiving.

9 Q. When was the first time that
10 Mr. Ralston touched your penis with his
11 mouth?

12 A. Winter trimester.

13 Q. Do you have a specific
14 recollection of the first time that Mr.
15 Ralston touched your penis with his
16 mouth?

17 A. No. It was he forced me to
18 start doing that to him.

19 Q. Okay. So --

20 A. It wasn't me -- it wasn't
21 him doing it to me first. It was vice
22 versa.

23 Q. Okay. So Mr. Ralston made
24 you use your mouth to perform oral sex?

1 A. Yes.

2 Q. When was the first time that
3 Mr. Ralston made you perform oral sex on
4 him?

5 A. After Christmas break.

6 Q. What do you remember about
7 the first time that -- let me start
8 again.

9 Did Mr. Ralston make you
10 perform oral sex on him more than once?

11 A. Yes.

12 Q. What do you remember about
13 the first time that Mr. Ralston made you
14 perform oral sex on him?

15 A. I was disgusted, but I was
16 terrified.

17 Q. So you were in the same
18 blind spot area of the geometry classroom
19 the first time that Mr. Ralston made you
20 perform oral sex on him; is that right?

21 A. There was -- yes. There was
22 a corner. There was no way that anybody
23 could see what was going on. His special
24 corner.

1 Q. How did you get to the
2 special corner the first time that Mr.
3 Ralston made you perform oral sex on him?

4 A. I didn't think it was going
5 to happen. I thought it was just going
6 to be like --

7 Q. Did Mr. Ralston ask you to
8 go to the corner the first time that he
9 made you perform oral sex on him?

10 A. He didn't really have to
11 ask. He just would like, that's -- he'd
12 point to the -- pointed to the corner.

13 Q. Did Mr. Ralston say we're
14 going into the corner or did he move to
15 the corner? How did Mr. Ralston express
16 that to you?

17 A. It was implied. It wasn't
18 -- there was no necessary movement or --
19 it was just implied. You're here; I'm
20 here; shut the door.

21 Q. How did you get to the
22 corner? Did you walk there or did Mr.
23 Ralston pull you there? Did Mr. Ralston
24 ask you to go there?

1 A. No. He -- there was -- like
2 I said, it wasn't words. It was just
3 implied. It wasn't even -- and that's
4 the scariest thing. It wasn't like I was
5 forced. Eventually, I wasn't even
6 forced. By the time this stopped, I
7 wasn't even being forced to do it.

8 Q. Okay. You didn't want to do
9 it; right?

10 A. What?

11 Q. You didn't want to do it;
12 right?

13 A. No.

14 Q. Okay. Well -- okay. Is
15 your point that you weren't physically
16 pulled to the corner?

17 A. I was not physically pulled
18 to the corner, no.

19 Q. Okay. Was it the case that
20 after a number of incidences of abuse,
21 Mr. Ralston stopped pulling you over to
22 the corner at the end of class?

23 A. It was more like -- I guess
24 the best verbiage would be

1 indoctrination. Like, I just -- it
2 became part of that day; like, oh, this
3 is going to have to happen.

4 Q. So you felt like there was
5 an expectation that at the end of class,
6 you and Mr. Ralston would have
7 inappropriate contact in the corner of
8 the classroom; is that right?

9 A. Correct. It was more
10 assumed.

11 Q. How was the -- again, I'm
12 still talking about the first instance
13 where Mr. Ralston made you perform oral
14 sex on him. How was that initiated?

15 A. I don't remember specifics.
16 I'm sorry. I -- I don't.

17 Q. How do you know -- let me
18 start again.

19 Did Mr. Ralston tell you
20 that he wanted you to perform oral sex on
21 him the first time he made you perform
22 oral sex on him?

23 A. I don't remember. I --

24 Q. How did it end?

1 A. Excuse me?

2 Q. How -- again, talking about
3 the first incident that Mr. Ralston made
4 you perform oral sex on him, how did the
5 encounter with Mr. Ralston end?

6 A. Abruptly, like the first
7 time. Anything happened with him ended
8 abruptly like -- like he knew he had done
9 something wrong and wanted to flee, but
10 he -- he kept pursuing it after -- after
11 the matter.

12 Q. Why do you remember that the
13 first instance that Mr. Ralston made you
14 perform oral sex on him occurred after
15 Christmas break?

16 A. Because I broke up with my
17 girlfriend shortly thereafter because I
18 thought I'd done something wrong.

19 Q. So after the first time that
20 Mr. Ralston made you perform oral sex on
21 him, you broke up with your girlfriend?

22 A. Correct.

23 Q. When was the next time that
24 Mr. Ralston made you perform oral sex on

1 him?

2 A. I couldn't give you a
3 timeline.

4 And to be honest, I'm kind
5 of over talking about this today. I
6 haven't slept for a week. I honestly
7 haven't eaten for four days. I've been
8 nothing but transparent about everything.

9 So tear my life apart, do
10 whatever you need to do, but I can't do
11 this anymore today. I can't. I just
12 can't. I'm too tired.

13 MS. DOUGHERTY: Okay. Let's
14 go off the record.

15 THE VIDEOGRAPHER: We are
16 now going off the record. The
17 time is 5:11.

18 MS. DOUGHERTY: How would
19 you like to proceed, Mr. Jubb?
20 I'm not going to make him continue
21 today if he says he's too tired to
22 continue.

23 MR. JUBB: Since we're
24 continuing this, Mr. Poulos will

1 remain under oath. We'll
2 coordinate a date next week. I'll
3 make myself available whenever.

4 MS. DOUGHERTY: I will as
5 well.

6 Mr. Poulos, are you still
7 there?

8 THE WITNESS: Yeah, I'm
9 still here.

10 MS. DOUGHERTY: Okay. So
11 you've expressed that you're too
12 tired to continue testifying
13 today, so we're not going to
14 insist that you do continue if
15 you're too tired to testify. So
16 provided you agree to return and
17 complete your testimony at a later
18 date, Mr. Jubb and I will, you
19 know -- I'll end my portion of the
20 questioning for the day and we'll
21 resume on another day. Is that
22 how --

23 MR. JUBB: How about Tuesday
24 of next week?

1 MS. DOUGHERTY: That's fine
2 for me. I'd, like Mr. Jubb, will
3 make myself available whenever.

4 Mr. Poulos?

5 THE WITNESS: Yeah, I'm
6 here.

7 MS. DOUGHERTY: Can we
8 resume on Tuesday of next week?

9 THE WITNESS: Yeah. Just
10 let me know what time.

11 MS. DOUGHERTY: Hold on.
12 Why don't you tell us what time is
13 best for you?

14 THE WITNESS: It doesn't
15 matter. Either way, this is going
16 to eat at me for the next four
17 days. So another four days of not
18 eating, not sleeping. Might as
19 well make it 1:00 a.m. It doesn't
20 really matter at this point.

21 MR. JUBB: Let's start at
22 10:00 a.m. on Tuesday.

23 MS. DOUGHERTY: 10:00 a.m.
24 Central Time?

Kurtis N. Poulos

1 MR. JUBB: Yeah.

2 MS. DOUGHERTY: Okay, Mr.

3 Poulos?

4 THE WITNESS: Yeah, that's
5 fine.

6 MS. DOUGHERTY: Okay. Thank
7 you.

8 We can go off the record.

9 (Whereupon, Exhibits D-2 and
10 D-3 were marked for
11 identification.)

12 (Whereupon, the deposition
13 was adjourned for the day at
14 approximately 5:14 p.m. CT/6:14
15 p.m. EST.)

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1 CERTIFICATION

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3
4 I, EILEEN P. BARTH, hereby certify
5 that the testimony and proceedings in the
6 foregoing matter are contained fully and
7 accurately in the stenographic notes
8 taken by me and are a true and correct
9 transcript of the same.

10 

11 _____
12 EILEEN P. BARTH

Certified Shorthand

13 Reporter
14
15

16 The foregoing certification of this
17 transcript does not apply to any
18 reproduction of the same by any means
19 unless under the direct control and/or
20 direction of the certifying shorthand
21 reporter.
22
23
24

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it. It will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

1 CERTIFICATE OF DEPONENT

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I, WITNESS NAME, certify that I have read the foregoing transcript of my deposition and find it to be a true, correct and complete transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the ERRATA.

SIGNATUREDATE:

Fwd: Historical Allegations of Sexual Abuse at The Hill

Mary Ellen Poulos <46portia@gmail.com>

Wed 12/13/2017 12:02 PM

To: Mitchell Garabedian <mgarabedian@garabedianlaw.com>

Thank you! Mary Ellen Poulos

----- Forwarded message -----

From: **Kurtis Froedtert** <lex101078@gmail.com>

Date: Mon, Nov 20, 2017 at 1:08 PM

Subject: Fwd: Historical Allegations of Sexual Abuse at The Hill

To: Mary Ellen Poulos <46portia@gmail.com>

----- Forwarded message -----

From: Headmaster Zachary G. Lehman P'16 '18 <zlehman@thehill.org>

Date: Mon, Nov 20, 2017, 1:41 PM

Subject: Historical Allegations of Sexual Abuse at The Hill

To: Kurtis N. Poulos <lex101078@gmail.com>

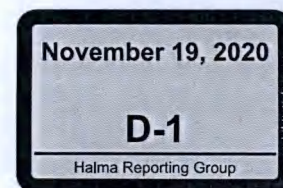
The Hill School | The Family Boarding School

November 20, 2017

Dear Hill School Alumni:

At the end of the 2015-2016 academic year, I wrote to you in light of national media attention to issues of sexual abuse at boarding schools. In my April 23, 2016 "*Message from the Headmaster*," I shared The Hill School's commitment to the safety and security of our students, and emphasized that Hill will not tolerate conduct that violates the high ethical and behavioral standards we set for all members of our community.

At that time, with the unanimous support of the Board of Trustees, I initiated a review of historical allegations of abuse at The Hill and the School's



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216

Garabedian 029

responses to those allegations. This was a proactive review by the School, not initiated by any complaint. As Headmaster, I felt it was important to understand more about the School's history. The Board and I also felt it was imperative that the review be external, objective, and informed by the appropriate expertise. Accordingly, we engaged Leslie Gomez and Gina Smith of Cozen O'Connor, child-protection experts nationally recognized for their experience in this area, their objectivity, and their candor. That review was concluded this summer, and our board and leadership team have been processing the information gathered to make informed decisions about how best to incorporate the lessons learned to enhance our current policies and practices.

Through the review, we learned of several troubling incidents in The Hill School's history. Those incidents involved conduct several decades ago by a small number of faculty members, none of whom have been associated with The Hill for many years and one of whom is deceased.

The abuses uncovered were troubling, not only because of their nature and their impact on the students involved, but also because, in some instances, the School did not respond in a manner consistent with our institutional values, which prioritize student welfare. While some actions were taken in response, and may have been in accordance with the standards at the time, those actions would not be sufficient today.

As part of the review, I had the opportunity to speak with a number of former students and alumni to hear their experiences and offer my apologies on behalf of The Hill. Several also chose to speak with the child-protection experts we engaged to conduct this review. In addition, several former administrators candidly participated in this review, helping us understand the relevant time period and supplement existing School records.

I am grateful to all community members who participated in the review. I am sorry these incidents occurred, and that in some instances the School's response failed our students and their parents. I recognize the seeming inadequacy of an apology these many years later, but I believe acknowledgement of our history is still a valuable and tangible step that helps inform our approach to these issues as we seek to provide a safe and healthy environment for our students, faculty, and staff.

While our review was thorough, I understand there may be more alumnae/i who have similar experiences. I also expect, as part of the recent social media movement to raise awareness of sexual assault and harassment called "#MeToo," that we may continue to learn more about sexual and gender-based harassment and violence at The Hill. Recently, as part of the #MeToo movement, we learned of an account by an alumna who shared such an incident that occurred off-campus in the late 1990s when she was a student and involved a male student at The Hill. I immediately reached out to her, and we have carefully reviewed that situation as well.

I extend an invitation to any Hill School community member who wishes to share his or her experiences with the School, or, if appropriate, with law enforcement. I also encourage any students, parents, alumni, or staff to reach out directly to the School to share your observations and feedback. You may contact me directly at zlehman@thehill.org or 610-705-1280. You may also directly contact our child-protection experts, Leslie Gomez (lgomez@cozen.com) and Gina Smith (gmsmith@cozen.com), at 215-665-2000, or provide information anonymously online at <https://www.research.net/r/TheHillSchoolReview>. I have asked Leslie and Gina to expand their review to encompass any additional concerns that come forward.

Today, I can assure you that The Hill School has coordinated clear policies and practices that prioritize student welfare and safety and mandate careful oversight, immediate reporting, and swift responsive action. As I shared in my April 2016 email, we do this in myriad ways, beginning with a rigorous faculty and staff screening process requiring comprehensive background checks and references. We provide annual training to all employees regarding our own policies against harassment and abuse, and on how to identify and report any issues at the earliest-possible stage. Our protocol includes promptly reporting any suspected incidents of abuse and other potential sexual or physical violations to the relevant law enforcement agencies and/or ChildLine, Pennsylvania's investigative resource for suspected child abuse or neglect.

Equally important, we facilitate proactive, awareness-raising educational programs as part of our student life co-curriculum, which includes speakers on sexuality issues, stress management, and substance abuse. We encourage our students to speak up if they feel uncomfortable and we routinely encourage candid, focused discussions in our adviser groups, in our dormitories, and in other forums, as appropriate.

We routinely take steps to assess the effectiveness of our programming, our policies, and our practices. We recently received additional guidance from a report published by The Association of Boarding Schools (TABS) and the National Association of Independent Schools (NAIS), and we are creating a task force to implement the report's suggested best practices. Notably, our child-protection experts were involved in the development of this report.

Continuing this conversation with our community is an important step in assessing the efficacy of our efforts. We always welcome your feedback and stand ready to hear your perspective. As an educational institution committed to student welfare and campus safety, we learn more each day and recognize that our work is and must be ongoing.

In closing, please know that here at The Hill we have no higher priority than the health and well-being of our students as we prepare them for "college,

Garabedian 031

careers, and life.”

Warm regards,

Signed, Zachary G.
Lehman

Zachary G. Lehman P'16 '18
Headmaster

860 Beech Street, Pottstown, PA 19464 | 610-326-1000 | www.thehill.org

[Email Preferences](#)

Kurt Poulos

Sent using Inbox by Google on my Pixel XL

Garabedian 032



November 20, 2017

Dear Hill School Alumni:

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EXHIBIT

D33

0511a

exhibitd33-0511a

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In closing, please know that here at The Hill we have no higher priority than the health and well-being of our students as we prepare them for "college, careers, and life."

Warm regards,

A handwritten signature in black ink, appearing to read 'Zachary G. Lehman', with a long horizontal stroke at the end.

Zachary G. Lehman P'16 '18
Headmaster

860 Beech Street, Pottstown, PA 19464 | 610-326-1000 | www.thehill.org

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